

**TUESDAY, APRIL 30, 2019**

**THIRTY-FIFTH LEGISLATIVE DAY**

The House met at 9:00 a.m. and was called to order by Mr. Speaker Casada.

The proceedings were opened with prayer by Rep. Cepicky.

Representative Cepicky led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present..... 92

Representatives present were Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada -- 92

**EXCUSED**

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Wright; personal

Representative Terry; business

Representative Russell; personal

**PRESENT IN CHAMBER**

Reps. DeBerry, Jernigan and Lynn were recorded as being present in the Chamber.

**COMMUNICATION  
April 30, 2019**

Representative Rush Bricken  
Cordell Hull Building - Suite 594  
425 5<sup>th</sup> Avenue North  
Nashville, TN 37243

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

Re: National Conference of State Legislatures- Labor and Economic Development Committee

Dear Representative Bricken,

As Speaker of the House of Representatives, I am appointing you to serve as a member of the National Conference of State Legislatures' Labor and Economic Development Standing Committee. Your service begins immediately, ends January 12, 2021, and is served at the pleasure of the Speaker of the House of Representatives, as the appointing authority.

I am forwarding a copy of this letter to Beth Hladick with the National Conference of State Legislatures. Ms. Hladick's office will be contacting you in the near future regarding this appointment.

I am confident that you will perform the duties of the office with the high standard of professionalism, dedication, and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes,

/s/ Speaker Glen Casada

cc: Lt. Gov. Randy McNally  
Beth Hladick - NCSL  
Cade Cothren  
Connie Ridley  
Karen Garrett  
Anastasia Campbell  
Tammy Letzler

**COMMUNICATION**  
**April 30, 2019**

Chairman Cameron Sexton  
Cordell Hull Building - Suite 604  
425 5<sup>th</sup> Avenue North  
Nashville, TN 37243

Re: National Conference of State Legislatures State Coordinator

Dear Chairman Sexton,

As Speaker of the House of Representatives, I am nominating you to participate in the National Conference of State Legislatures' State Coordinator Program. The program begins on August 5, 2019, and ends on August 8, 2019.

I am forwarding a copy of this letter to Beth Hladick at National Conference of State Legislatures. Ms. Hladick's office will be contacting you in the near future regarding this appointment.

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

I am confident that you will perform the duties of the office with the high standard of professionalism, dedication, and integrity that the citizens of Tennessee deserve and expect of their public servants.

Best Wishes

/s/ Speaker Glen Casada

cc: Beth Hladick- NCSL  
Cade Cothren  
Connie Ridley  
Anastasia Campbell  
Tammy Letzler

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 627** Reps. Miller and Leatherwood as prime sponsors.

**House Joint Resolution No. 628** Reps. Miller and Leatherwood as prime sponsors.

**House Bill No. 1** Rep. Powell as prime sponsor.

**House Bill No. 2** Reps. Hardaway, Thompson, Love, Coley, Hazlewood, White, Lamar, Camper, Moon, Hodges, Helton and Shaw as prime sponsors.

**House Bill No. 37** Reps. Cepicky, Haston, Keisling, Littleton, Miller, Windle, Holsclaw, Ragan, Boyd, Camper, Marsh, Powell, Chism, Powers, Smith, Garrett, Shaw, Hodges, White, Faison, Hakeem, Bricken, Lamar, Hardaway, Cochran, Sanderson, Crawford, Doggett, T. Hill, Moody, Kumar, Hurt, Travis, Daniel, Towns, Williams, Coley, Parkinson and Thompson as prime sponsors.

**House Bill No. 156** Reps. Hardaway, Moon, Helton and Ragan as prime sponsors.

**House Bill No. 178** Rep. Griffey as prime sponsor.

**House Bill No. 237** Rep. White as prime sponsor.

**House Bill No. 257** Rep. Carter as prime sponsor.

**House Bill No. 316** Reps. Griffey, Thompson, Todd, Love, Ogles, Chism, Powell, Vaughan, Cepicky, Hall, Leatherwood, Littleton, Hodges, Smith, Ragan, Miller, Tillis, Potts, Coley, Crawford, Lamberth, Camper, Beck, Hurt, Parkinson, Byrd, Moon, Hazelwood, Dixie, Haston, Towns, Hardaway, Freeman, Keisling, Doggett and Windle as prime sponsors.

**House Bill No. 326** Reps. Marsh, Tillis, Keisling, Ragan and Smith as prime sponsors.

**House Bill No. 389** Reps. Smith and Parkinson as prime sponsors.

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**House Bill No. 407** Reps. Smith, Helton, Ogles, Hardaway and Hazlewood as prime sponsors.

**House Bill No. 419** Reps. Tillis, Marsh, White, Coley, Zachary, Lafferty, Weaver, Ragan, Hardaway, Kumar, Sparks, Parkinson and Haston as prime sponsors.

**House Bill No. 465** Rep. Hardaway as prime sponsor.

**House Bill No. 494** Reps. Cepicky, Leatherwood, Haston, Bricken, Tillis, Todd, Moon, Ragan, Cochran, Powers, Faison, Sherrell, Byrd, Keisling, Windle, Freeman, Lafferty, J. Sexton, Lynn, Weaver, Howell, Calfee, Littleton, Curcio, Hurt and Kumar as prime sponsors.

**House Bill No. 498** Reps. Marsh, Hardaway, Moody, Crawford, Carter, Kumar, G. Johnson, Parkinson, Weaver, Holsclaw, Baum, Bricken, Ogles, Ragan, Chism, Mitchell, Todd, Vaughan, Boyd and Doggett as prime sponsors.

**House Bill No. 502** Reps. Hardaway and Helton as prime sponsors.

**House Bill No. 518** Reps. Griffey, M. Hill, Cepicky and Halford as prime sponsors.

**House Bill No. 524** Reps. Helton and Van Huss as prime sponsors.

**House Bill No. 551** Reps. Griffey, Hardaway and Smith as prime sponsors.

**House Bill No. 565** Reps. Haston, Thompson, Holsclaw, Whitson, Helton, Freeman, Hodges, Powell, Littleton and G. Johnson as prime sponsors.

**House Bill No. 567** Reps. Bricken, Lynn, Holsclaw, Hardaway and Ogles as prime sponsors.

**House Bill No. 664** Reps. Lamar, Dixie, Hardaway, Staples and Helton as prime sponsors.

**House Bill No. 681** Rep. Griffey as prime sponsor.

**House Bill No. 714** Reps. Griffey, Tillis, Todd, Hurt, Keisling, Leatherwood, Shaw, Windle, Littleton, Sherrell, Halford, Lynn, Hardaway, Ogles and Camper as prime sponsors.

**House Bill No. 729** Reps. Cepicky, Helton, Howell, Garrett, Farmer and Crawford as prime sponsors.

**House Bill No. 745** Reps. Hardaway, Camper, Helton, Haston and Lamberth as prime sponsors.

**House Bill No. 776** Reps. Crawford, Hardaway, Helton, Thompson, Lynn, Hazlewood, J. Sexton, Beck, Towns and Powers as prime sponsors.

**House Bill No. 779** Rep. Thompson as prime sponsor.

**House Bill No. 786** Reps. Daniel, Sanderson, Marsh, Helton, Moon, Smith, Hall, White, Russell, Lamberth, Sherrell, Hurt, Boyd, Shaw, Crawford, Gant, Cepicky, Powell, Carr, Kumar, Windle, Littleton, Keisling, Zachary, Ramsey, Cochran, Byrd, Todd, Holsclaw, C. Johnson, Beck and Weaver as prime sponsors.

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**House Bill No. 797** Rep. Powers as prime sponsor.

**House Bill No. 809** Reps. Crawford, Calfee and Helton as prime sponsors.

**House Bill No. 907** Reps. Hodges, Potts and Stewart as prime sponsors.

**House Bill No. 909** Reps. Cepicky, Haston, Bricken, Powell, Chism, Crawford, Shaw, Byrd, Coley, Hakeem, Freeman, Kumar, Stewart, Wright, Todd, Hurt, Williams, Hardaway, Moon, Ramsey, Hodges, Boyd, Ogles, Helton, Lamar, Cooper, Hicks, Smith, G. Johnson, Rudder, Russell, Marsh, Daniel, Dixie, Tillis, Miller, Zachary, C. Sexton, Cochran, J. Sexton, Holsclaw, Ragan, Gant, Travis, Halford, DeBerry, Lynn, Windle and Powers as prime sponsors.

**House Bill No. 917** Reps. Thompson, Towns, Holsclaw, Helton, Freeman, Dixie and Hazlewood as prime sponsors.

**House Bill No. 982** Rep. Hardaway as prime sponsor.

**House Bill No. 1004** Reps. Cepicky, Ragan, Crawford, Camper, Kumar, Windle, Powers and Hardaway as prime sponsors.

**House Bill No. 1047** Rep. Hardaway as prime sponsor.

**House Bill No. 1187** Reps. Griffey, Bricken, Helton, Shaw, Zachary, Stewart, Calfee, Freeman, Hodges, Hardaway, Byrd, Tillis, Cooper, Love, Holsclaw, C. Johnson, Kumar, Hazlewood, Parkinson, Thompson, Ragan, Beck, G. Johnson, Towns, Hurt, Howell, Eldridge, Crawford and Haston as prime sponsors.

**House Bill No. 1264** Reps. Powers and Cepicky as prime sponsors.

**House Bill No. 1274** Reps. Ragan and Cochran as prime sponsors.

**House Bill No. 1327** Reps. Calfee, Carr, Staples and Hardaway as prime sponsors.

**House Bill No. 1340** Reps. Haston, Thompson, Lynn, Moon, Freeman, Weaver, Carter, Hardaway, White, Coley, Crawford and Powers as prime sponsors.

**House Bill No. 1425** Reps. Cepicky, Tillis, Williams, Powers, Sherrell, Hardaway, Lamberth, C. Sexton, Todd, White, Ogles, Ragan, Hicks, Clemmons, Camper, Helton and Smith as prime sponsors.

**House Bill No. 1441** Rep. White as prime sponsor.

**House Bill No. 1468** Reps. Hardaway and Lamar as prime sponsors.

**House Bill No. 1508** Rep. Shaw as prime sponsor.

**SPONSORS REMOVED**

On Motion, Rep. Camper was removed as sponsor of **House Bill No. 565**.

On Motion, Rep. Kumar was removed as sponsor of **House Bill No. 1264**.

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**MESSAGE FROM THE SENATE  
April 30, 2019**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 185, 267 and 691; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Bill No. 185** -- Education - As introduced, allows the department of education to post its annual report on its website in lieu of distributing the report to certain persons and entities. - Amends TCA Title 49. by \*Jackson. (HB983 by \*Todd, \*Smith, \*Dunn, \*Halford, \*Helton)

**Senate Bill No. 267** -- Fire Prevention and Investigation - As introduced, extends the same police powers that municipal fire investigators have to certain salaried county fire investigators. - Amends TCA Section 39-17-1315 and Title 68, Chapter 102. by \*Reeves, \*White. (\*HB123 by \*Terry, \*Rudd, \*Baum, \*Sparks, \*Stewart, \*Sherrell, \*Holt)

**\*Senate Bill No. 691** -- Tennessee Higher Education Commission - As introduced, clarifies that THEC may submit its annual report on the condition of THEC to the governor and the general assembly in an electronic format. - Amends TCA Title 4 and Title 49. by \*Jackson, \*Rose. (HB980 by \*White)

**MESSAGE FROM THE SENATE  
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MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 469, 525, 533, 534, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 577, 578, 579, 580, 581 and 582; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Joint Resolution No. 469** -- Memorials, Recognition - "Metastatic Breast Cancer Awareness Day" in Tennessee, October 13, 2019. by \*Hensley, \*Akbari.

**\*Senate Joint Resolution No. 525** -- General Assembly, Statement of Intent or Position - Expresses support for U.S. Senator Lamar Alexander's efforts to renew the Teaching Health Center Graduate Medical Education Program and the National Health Service Corps. by \*Massey, \*Kelsey.

**\*Senate Joint Resolution No. 533** -- Memorials, Interns - Wade Hoelcel. by \*Johnson.

**\*Senate Joint Resolution No. 534** -- Memorials, Recognition - Kathleen O'Brien. by \*Massey, \*Johnson, \*Dickerson, \*Gilmore, \*Yarbro.

**\*Senate Joint Resolution No. 536** -- Memorials, Recognition - Mary Cordelia Beasley Hudson. by \*Kyle, \*Stevens.

**\*Senate Joint Resolution No. 537** -- Memorials, Interns - Nathan M. Watkins. by \*Dickerson.

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**\*Senate Joint Resolution No. 538** -- Memorials, Interns - Donovan Ricche. by \*Dickerson, \*Massey, \*Jackson, \*Gardenhire, \*Yager.

**\*Senate Joint Resolution No. 539** -- Memorials, Retirement - Estella Mayhue-Greer. by \*Akbari.

**\*Senate Joint Resolution No. 540** -- Memorials, Interns - Noah Hilmi Balushi. by \*Akbari.

**\*Senate Joint Resolution No. 541** -- Memorials, Academic Achievement - Hanna Elisabeth Sermons, Valedictorian, East Robertson High School. by \*Roberts.

**\*Senate Joint Resolution No. 542** -- Memorials, Academic Achievement - Abigail Lauren Dixon, Salutatorian, East Robertson High School. by \*Roberts.

**\*Senate Joint Resolution No. 543** -- Memorials, Death - Sergeant Gregory Dean Byram. by \*Bailey.

**\*Senate Joint Resolution No. 544** -- Memorials, Professional Achievement - Ron Meers, Tennessee Bandmasters Association Hall of Fame. by \*White, \*Reeves.

**\*Senate Joint Resolution No. 545** -- Memorials, Recognition - Andrew Bruce and Don Kim, Small Delegation Award at Model UN Conference. by \*White, \*Reeves.

**\*Senate Joint Resolution No. 547** -- Memorials, Public Service - Lauren V. Plunk. by \*Lundberg.

**\*Senate Joint Resolution No. 548** -- Memorials, Retirement - Betty Shuck. by \*Southerland.

**\*Senate Joint Resolution No. 549** -- Memorials, Recognition - Dalton Blake, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 550** -- Memorials, Recognition - Aaron Parris, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 551** -- Memorials, Recognition - Lucas Canter, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 552** -- Memorials, Recognition - Matthew Collins, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 553** -- Memorials, Recognition - Joshua Dalton, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 554** -- Memorials, Recognition - Edward Ballard, Troy Mathews, and Micah Batson, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 555** -- Memorials, Recognition - Brandon Winstead, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

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**\*Senate Joint Resolution No. 556** -- Memorials, Recognition - Joseph Sarraïno, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 557** -- Memorials, Recognition - Anthony Bogel, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 558** -- Memorials, Recognition - James Roberts, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 559** -- Memorials, Recognition - Samuel Underwood, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 560** -- Memorials, Interns - Kristina Grant. by \*Stevens, \*Massey, \*Roberts.

**\*Senate Joint Resolution No. 561** -- Memorials, Academic Achievement - Benjamin Galluzzi, Salutatorian, Springfield High School. by \*Roberts.

**\*Senate Joint Resolution No. 562** -- Memorials, Academic Achievement - Phoebe Ann Dawson, Salutatorian, White House Heritage High School. by \*Roberts.

**\*Senate Joint Resolution No. 563** -- Memorials, Academic Achievement - Breanna Leigh Bishop, Valedictorian, White House Heritage High School. by \*Roberts.

**\*Senate Joint Resolution No. 564** -- Memorials, Academic Achievement - Kyla Kivette, Valedictorian, Pleasant View Christian School. by \*Roberts.

**\*Senate Joint Resolution No. 565** -- Memorials, Academic Achievement - Bethany Milling, Salutatorian, Pleasant View Christian School. by \*Roberts.

**\*Senate Joint Resolution No. 566** -- Memorials, Academic Achievement - Danielle Arlene Kreeger, Salutatorian, Dayspring Academy. by \*Roberts.

**\*Senate Joint Resolution No. 567** -- Memorials, Academic Achievement - Jaclyn Genevieve Kreeger, Salutatorian, Dayspring Academy. by \*Roberts.

**\*Senate Joint Resolution No. 568** -- Memorials, Academic Achievement - Elizabeth Grace Hall, Valedictorian, Dayspring Academy. by \*Roberts.

**\*Senate Joint Resolution No. 569** -- Memorials, Academic Achievement - Peyton Leigh Frazier, Valedictorian, Dayspring Academy. by \*Roberts.

**\*Senate Joint Resolution No. 570** -- Memorials, Academic Achievement - Trish Nguyen, Valedictorian, Harpeth High School. by \*Roberts.

**\*Senate Joint Resolution No. 571** -- Memorials, Academic Achievement - Ben Bruzewski, Salutatorian, Harpeth High School. by \*Roberts.

**\*Senate Joint Resolution No. 572** -- Memorials, Academic Achievement - Sadie Collins, Valedictorian, Sycamore High School. by \*Roberts.



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**\*Senate Joint Resolution No. 573** -- Memorials, Academic Achievement - Grace Harris, Salutatorian, Sycamore High School. by \*Roberts.

**\*Senate Joint Resolution No. 574** -- Memorials, Academic Achievement - Sarah Ramey, Valedictorian, Springfield High School. by \*Roberts.

**\*Senate Joint Resolution No. 575** -- Memorials, Recognition - Fayette County Public Schools Academic Pentathlon teams. by \*Gresham.

**\*Senate Joint Resolution No. 577** -- Memorials, Death - Jonathan Craig Stewart. by \*Yarbro.

**\*Senate Joint Resolution No. 578** -- Memorials, Recognition - Jacob Tullock, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 579** -- Memorials, Public Service - Sarah E.T. Webster. by \*Southerland.

**\*Senate Joint Resolution No. 580** -- Memorials, Recognition - Winter & Company Dance Studio Competition Team. by \*Southerland.

**\*Senate Joint Resolution No. 581** -- Memorials, Recognition - Ethan Burchett, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 582** -- Memorials, Recognition - Trey Fillers, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**MESSAGE FROM THE SENATE  
April 30, 2019**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 425; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 425** -- Sexual Offenders - As introduced, extends the residential, work, and treatment restrictions on sexual offenders whose victims are minors from 1,000 feet to 2,000 feet from certain places where children are frequently present; prohibits a sexual offender from conducting overnight visit at a residence in which a minor resides or is present. - Amends TCA Title 40, Chapter 39. by \*Hensley. (\*HB407 by \*Doggett, \*Griffey, \*Littleton, \*Smith, \*Helton, \*Ogles, \*Hardaway, \*Hazlewood)

**MESSAGE FROM THE SENATE  
April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**  
**April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1075; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**  
**April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1508; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**  
**April 30, 2019**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 583, 584, 585, 586, 587, 589, 590, 591, 592, 593, 594, 595 and 596; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Joint Resolution No. 583** -- Memorials, Academic Achievement - Nathanael Huling Rowley, Valedictorian, Christian Community Schools. by \*Roberts.

**\*Senate Joint Resolution No. 584** -- Memorials, Academic Achievement - Catherine Delanee Belcher, Salutatorian, Christian Community Schools. by \*Roberts.

**\*Senate Joint Resolution No. 585** -- Memorials, Academic Achievement - Jessica Street, Valedictorian, United Christian Academy. by \*Roberts.

**\*Senate Joint Resolution No. 586** -- Memorials, Academic Achievement - Nathan Roach, Salutatorian, United Christian Academy. by \*Roberts.

**\*Senate Joint Resolution No. 587** -- Memorials, Academic Achievement - Michael Austin Gable, Valedictorian, Christian Community Schools. by \*Roberts.

**\*Senate Joint Resolution No. 589** -- Memorials, Recognition - Frank P. "Rusty" Cantwell, Jr., Ageless Hall of Fame. by \*Southerland.

**\*Senate Joint Resolution No. 590** -- Memorials, Recognition - Emma Ruth Catlett, Ageless Hall of Fame. by \*Southerland.

**\*Senate Joint Resolution No. 591** -- Memorials, Recognition - Carolyn "Cookie" Ramsey, Ageless Hall of Fame. by \*Southerland.

**\*Senate Joint Resolution No. 592** -- Memorials, Retirement - Dr. Kitty Shanks Pruett. by \*Niceley.

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**\*Senate Joint Resolution No. 593** -- Memorials, Interns - Summer Rodriguez. by \*Akbari.

**\*Senate Joint Resolution No. 594** -- Memorials, Academic Achievement - Annabeth Rose Hatcher, Valedictorian, South Haven Christian School. by \*Roberts.

**\*Senate Joint Resolution No. 595** -- Memorials, Academic Achievement - Hannah Cheyenne Randolph, Salutatorian, South Haven Christian School. by \*Roberts.

**\*Senate Joint Resolution No. 596** -- Memorials, Academic Achievement - Yuliana Nikisheva, Valedictorian, South Haven Christian School. by \*Roberts.

**MESSAGE FROM THE SENATE**  
**April 30, 2019**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 649; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Bill No. 649** -- Courts - As introduced, makes various changes to zero to three courts, including adding five additional courts, extending such courts to January 1, 2025, and allowing such courts to reinstate a revoked or suspended driver license of a party to an action before the court and waive unpaid fines and fees based on the party's satisfactory progress toward meeting the goals of the court. - Amends TCA Title 16; Title 36; Title 37 and Chapter 366 of the Public Acts of 2017. by \*Haile. (HB1047 by \*White, \*Littleton, \*Hardaway)

**MESSAGE FROM THE SENATE**  
**April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Bill No. 353; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**  
**April 30, 2019**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 1163; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 1163** -- Criminal Offenses - As introduced, creates a Class A misdemeanor of violating a no contact order issued to a domestic violence victim as part of a disposition in any criminal court. - Amends TCA Section 39-13-113. by \*Hensley, \*White. (\*HB1340 by \*Doggett, \*Byrd, \*Griffey, \*Hall, \*Ramsey, \*Lamberth, \*Faison, \*Howell, \*Littleton, \*Towns, \*Van Huss, \*Parkinson, \*Sanderson, \*Daniel, \*Potts, \*Curcio, \*Ogles, \*Farmer, \*Haston, \*Thompson, \*Lynn, \*Moon, \*Freeman, \*Weaver, \*Carter, \*Hardaway, \*White, \*Coley, \*Crawford, \*Powers)

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**MESSAGE FROM THE SENATE  
April 30, 2019**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 1462; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 1462** -- Taxes - As introduced, clarifies the "Taxpayer Bill of Rights" to require that any tax applications and notices be written in plain language. - Amends TCA Title 4; Title 6; Title 7; Title 9; Title 13; Title 45 and Title 67. by \*Bailey. (\*HB1410 by \*Sherrell, \*Sexton C)

**MESSAGE FROM THE SENATE  
April 30, 2019**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 629; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Joint Resolution No. 629** -- Memorials, Professional Achievement - Jefferson Park at Dandridge, 2018 Silver Achievement Quality Award. by \*Niceley.

**MESSAGE FROM THE SENATE  
April 30, 2019**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611 and 612; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**\*Senate Joint Resolution No. 600** -- Memorials, Death - Clarence Nimrod "Rod" Pattat. by \*Gresham.

**\*Senate Joint Resolution No. 601** -- Memorials, Recognition - David Alford, REdl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 602** -- Memorials, Recognition - Leanne Morgan, REdl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 603** -- Memorials, Recognition - Rear Admiral Terry Moulton, REdl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 604** -- Memorials, Recognition - Mark Sletto, REdl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 605** -- Memorials, Recognition - Dr. Jessica Ellis Durham, REdl Hall of Fame. by \*Roberts.

## **TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

**\*Senate Joint Resolution No. 606** -- Memorials, Recognition - Michael Korfhage, REdl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 607** -- Memorials, Recognition - Dr. Christine Coker, REdl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 608** -- Memorials, Recognition - Amanda Stubblefield Barnard, Redl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 609** -- Memorials, Recognition - Bobby Trotter, REdl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 610** -- Memorials, Recognition - Tom Sorrells, REdl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 611** -- Memorials, Heroism - Captain Larry Lowe Taylor, U.S. Army (retired). by \*Gardenhire, \*Watson.

**\*Senate Joint Resolution No. 612** -- Memorials, Retirement - Edna Ann McKee Camp. by \*Gardenhire.

### **WELCOMING AND HONORING**

#### **RECOGNITION IN THE WELL**

Representative Kumar was recognized in the Well to introduce James Edward, the Cowboy Poet.

### **RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar No. 2 for April 30, 2019:

**House Resolution No. 129** -- Memorials, Retirement - David Bilan. by \*Hodges.

**House Resolution No. 130** -- Memorials, Recognition - Hawkins Elementary School, 50th anniversary. by \*Hicks.

**\*House Joint Resolution No. 627** -- Memorials, Academic Achievement - Elizabeth Brawner, Valedictorian, Bartlett High School. by \*Coley, \*Miller, \*Leatherwood.

**\*House Joint Resolution No. 628** -- Memorials, Academic Achievement - Walter Price, Salutatorian, Bartlett High School. by \*Coley, \*Miller, \*Leatherwood.

**\*House Joint Resolution No. 629** -- Memorials, Recognition - City of Memphis, Bicentennial. by \*Parkinson.

**\*House Joint Resolution No. 630** -- Memorials, Recognition - Memphis Light, Gas and Water, 80th anniversary. by \*Parkinson.

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**\*House Joint Resolution No. 631** -- Memorials, Recognition - Shelby County, Bicentennial. by \*Parkinson.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for May 1, 2019:

**House Resolution No. 131** -- Memorials, Academic Achievement - Rockwell Karash, Valedictorian, Millington Central High School. by \*Leatherwood.

**House Resolution No. 132** -- Memorials, Academic Achievement - Dean Karash, Salutatorian, Millington Central High School. by \*Leatherwood.

**House Resolution No. 133** -- Memorials, Academic Achievement - Sarah Grace McCoy, Valedictorian, Hancock County High School. by \*Hicks.

**House Resolution No. 134** -- Memorials, Academic Achievement - Hunter Keith Holt, Salutatorian, Hancock County High School. by \*Hicks.

**House Resolution No. 135** -- Memorials, Academic Achievement - Breanna Lashae Shults, Top Ten, Hancock County High School. by \*Hicks.

**House Resolution No. 136** -- Memorials, Academic Achievement - Bailey LeeAnn Hopkins, Top Ten, Hancock County High School. by \*Hicks.

**House Resolution No. 137** -- Memorials, Academic Achievement - McKinley Elizabeth Johnson, Top Ten, Hancock County High School. by \*Hicks.

**House Resolution No. 138** -- Memorials, Academic Achievement - Erica Brooke Seal, Top Ten, Hancock County High School. by \*Hicks.

**House Resolution No. 139** -- Memorials, Academic Achievement - Tyler Gage Maloney, Top Ten, Hancock County High School. by \*Hicks.

**House Resolution No. 140** -- Memorials, Academic Achievement - Joshua Todd Webb, Top Ten, Hancock County High School. by \*Hicks.

**House Resolution No. 141** -- Memorials, Academic Achievement - Ryan Timothy Lawson, Top Ten, Hancock County High School. by \*Hicks.

**House Resolution No. 142** -- Memorials, Academic Achievement - Walton Ray Collins, Top Ten, Hancock County High School. by \*Hicks.

**House Resolution No. 143** -- Memorials, Academic Achievement - Taylor Kinsler, Salutatorian, Clinch School. by \*Hicks.

**House Resolution No. 144** -- Memorials, Academic Achievement - Katie Nichols, Valedictorian, Clinch School. by \*Hicks.

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**House Resolution No. 145** -- Memorials, Death - John Claude Houser. by \*Windle.

**House Resolution No. 146** -- Memorials, Death - Joe Thomas Hill. by \*Windle.

**House Resolution No. 147** -- Memorials, Interns - Shanterrica Morris. by \*Windle.

**House Resolution No. 148** -- Memorials, Academic Achievement - Riley Martin, Top Ten, Volunteer High School. by \*Hicks.

**House Resolution No. 149** -- Memorials, Academic Achievement - Maggie Wampler, Top Ten, Volunteer High School. by \*Hicks.

**House Resolution No. 151** -- Memorials, Academic Achievement - Emily Jo Christian, Top Ten, Volunteer High School. by \*Hicks.

**House Resolution No. 152** -- Memorials, Academic Achievement - Kyra Manis, Top Ten, Volunteer High School. by \*Hicks.

**House Resolution No. 153** -- Memorials, Academic Achievement - Matthew T. Wyatt, Top Ten, Volunteer High School. by \*Hicks.

**House Resolution No. 154** -- Memorials, Academic Achievement - Allison P. Jett, Salutatorian, Oliver Springs High School. by \*Calfee.

**House Resolution No. 155** -- Memorials, Academic Achievement - Kirstin A. Kegley, Valedictorian, Oliver Springs High School. by \*Calfee.

**House Resolution No. 156** -- Memorials, Academic Achievement - Ashley N. Handy, Valedictorian, Oliver Springs High School. by \*Calfee.

**House Resolution No. 157** -- Memorials, Academic Achievement - Madison A. Fritts, Valedictorian, Oliver Springs High School. by \*Calfee.

**House Resolution No. 158** -- Memorials, Academic Achievement - Jacob G. Dameron, Valedictorian, Oliver Springs High School. by \*Calfee.

**House Resolution No. 159** -- Memorials, Academic Achievement - Lyndsey R. Cornett, Valedictorian, Oliver Springs High School. by \*Calfee.

**House Resolution No. 160** -- Memorials, Academic Achievement - Jared Whittenbarger, Salutatorian, Roane County High School. by \*Calfee.

**House Resolution No. 161** -- Memorials, Academic Achievement - Jenna Stewart, Salutatorian, Roane County High School. by \*Calfee.

**House Resolution No. 162** -- Memorials, Academic Achievement - Anna Grace Meadows, Salutatorian, Roane County High School. by \*Calfee.

**House Resolution No. 163** -- Memorials, Academic Achievement - Coleman Watts, Valedictorian, Roane County High School. by \*Calfee.

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**House Resolution No. 164** -- Memorials, Academic Achievement - Katherine Frye, Valedictorian, Roane County High School. by \*Calfee.

**House Resolution No. 165** -- Memorials, Academic Achievement - Caitlyn Ross, Salutatorian, Midway High School. by \*Calfee.

**House Resolution No. 166** -- Memorials, Academic Achievement - Emma Hill, Salutatorian, Midway High School. by \*Calfee.

**House Resolution No. 167** -- Memorials, Academic Achievement - Madeleine Moore, Valedictorian, Midway High School. by \*Calfee.

**House Resolution No. 168** -- Memorials, Academic Achievement - Alex Shirran, Valedictorian, Midway High School. by \*Calfee.

**House Resolution No. 169** -- Memorials, Public Service - Bonnie Blair. by \*Towns.

**House Resolution No. 170** -- Memorials, Recognition - 40th anniversary of Taiwan Relations Act. by \*Hill M.

**\*House Joint Resolution No. 642** -- Memorials, Death - Henry Cox "Hank" McCall, Jr. by \*Clemmons.

**\*House Joint Resolution No. 643** -- Memorials, Recognition - Joshua Cook. by \*Coley.

**\*House Joint Resolution No. 644** -- Memorials, Retirement - Helen Ford. by \*Coley.

**\*House Joint Resolution No. 645** -- Memorials, Recognition - Wally's Restaurant in East Ridge. by \*Helton.

**\*House Joint Resolution No. 646** -- Memorials, Public Service - Metro Nashville Councilman Bill Pridemore. by \*Beck.

**\*House Joint Resolution No. 647** -- Memorials, Retirement - Steve North. by \*Beck.

**\*House Joint Resolution No. 632** -- Memorials, Professional Achievement - Grant Summers, 2019 president of Tennessee Road Builders Association. by \*Holsclaw.

**\*House Joint Resolution No. 633** -- Memorials, Academic Achievement - Sarah Jane Henry, Valedictorian, Trousdale County High School. by \*Weaver.

**\*House Joint Resolution No. 634** -- Memorials, Academic Achievement - Ann Marie Henry, Salutatorian, Trousdale County High School. by \*Weaver.

**\*House Joint Resolution No. 635** -- Memorials, Retirement - Anita Dyer. by \*Keisling.

**\*House Joint Resolution No. 636** -- Memorials, Retirement - State Trooper Joe Wynne. by \*Doggett.

**\*House Joint Resolution No. 637** -- Memorials, Academic Achievement - Mackenzie McCall, Salutatorian, Bolton High School. by \*Leatherwood.



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**\*House Joint Resolution No. 638** -- Memorials, Academic Achievement - Bryanna Fayne, Salutatorian, Bolton High School. by \*Leatherwood.

**\*House Joint Resolution No. 639** -- Memorials, Academic Achievement - Britney Le, Valedictorian, Bolton High School. by \*Leatherwood.

**\*House Joint Resolution No. 640** -- Memorials, Academic Achievement - Lindsay Brooke Anderson, Salutatorian, Franklin Road Christian School. by \*Rudd.

**\*House Joint Resolution No. 641** -- Memorials, Academic Achievement - Gabrielle Daye Copeland, Valedictorian, Franklin Road Christian School. by \*Rudd.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolutions listed were noted as being placed on the Consent Calendar No. 2 for April 30, 2019:

**\*Senate Joint Resolution No. 469** -- Memorials, Recognition - "Metastatic Breast Cancer Awareness Day" in Tennessee, October 13, 2019. by \*Hensley, \*Akbari.

**\*Senate Joint Resolution No. 533** -- Memorials, Interns - Wade Hoelcel. by \*Johnson.

**\*Senate Joint Resolution No. 534** -- Memorials, Recognition - Kathleen O'Brien. by \*Massey, \*Johnson, \*Dickerson, \*Gilmore, \*Yarbro.

**\*Senate Joint Resolution No. 536** -- Memorials, Recognition - Mary Cordelia Beasley Hudson. by \*Kyle, \*Stevens.

**\*Senate Joint Resolution No. 537** -- Memorials, Interns - Nathan M. Watkins. by \*Dickerson.

**\*Senate Joint Resolution No. 538** -- Memorials, Interns - Donovan Ricche. by \*Dickerson, \*Massey, \*Jackson, \*Gardenhire, \*Yager.

**\*Senate Joint Resolution No. 539** -- Memorials, Retirement - Estella Mayhue-Greer. by \*Akbari.

**\*Senate Joint Resolution No. 540** -- Memorials, Interns - Noah Hilmi Balushi. by \*Akbari.

**\*Senate Joint Resolution No. 541** -- Memorials, Academic Achievement - Hanna Elisabeth Sermons, Valedictorian, East Robertson High School. by \*Roberts.

**\*Senate Joint Resolution No. 542** -- Memorials, Academic Achievement - Abigail Lauren Dixon, Salutatorian, East Robertson High School. by \*Roberts.

**\*Senate Joint Resolution No. 543** -- Memorials, Death - Sergeant Gregory Dean Byram. by \*Bailey.

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**\*Senate Joint Resolution No. 544** -- Memorials, Professional Achievement - Ron Meers, Tennessee Bandmasters Association Hall of Fame. by \*White, \*Reeves.

**\*Senate Joint Resolution No. 545** -- Memorials, Recognition - Andrew Bruce and Don Kim, Small Delegation Award at Model UN Conference. by \*White, \*Reeves.

**\*Senate Joint Resolution No. 547** -- Memorials, Public Service - Lauren V. Plunk. by \*Lundberg.

**\*Senate Joint Resolution No. 548** -- Memorials, Retirement - Betty Shuck. by \*Southerland.

**\*Senate Joint Resolution No. 549** -- Memorials, Recognition - Dalton Blake, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 550** -- Memorials, Recognition - Aaron Parris, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 551** -- Memorials, Recognition - Lucas Canter, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 552** -- Memorials, Recognition - Matthew Collins, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 553** -- Memorials, Recognition - Joshua Dalton, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 554** -- Memorials, Recognition - Edward Ballard, Troy Mathews, and Micah Batson, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 555** -- Memorials, Recognition - Brandon Winstead, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 556** -- Memorials, Recognition - Joseph Sarraino, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 557** -- Memorials, Recognition - Anthony Bogel, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 558** -- Memorials, Recognition - James Roberts, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 559** -- Memorials, Recognition - Samuel Underwood, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 560** -- Memorials, Interns - Kristina Grant. by \*Stevens, \*Massey, \*Roberts.

**\*Senate Joint Resolution No. 561** -- Memorials, Academic Achievement - Benjamin Galluzzi, Salutatorian, Springfield High School. by \*Roberts.

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**\*Senate Joint Resolution No. 562** -- Memorials, Academic Achievement - Phoebe Ann Dawson, Salutatorian, White House Heritage High School. by \*Roberts.

**\*Senate Joint Resolution No. 563** -- Memorials, Academic Achievement - Breanna Leigh Bishop, Valedictorian, White House Heritage High School. by \*Roberts.

**\*Senate Joint Resolution No. 564** -- Memorials, Academic Achievement - Kyla Kivette, Valedictorian, Pleasant View Christian School. by \*Roberts.

**\*Senate Joint Resolution No. 565** -- Memorials, Academic Achievement - Bethany Milling, Salutatorian, Pleasant View Christian School. by \*Roberts.

**\*Senate Joint Resolution No. 566** -- Memorials, Academic Achievement - Danielle Arlene Kreeger, Salutatorian, Dayspring Academy. by \*Roberts.

**\*Senate Joint Resolution No. 567** -- Memorials, Academic Achievement - Jaclyn Genevieve Kreeger, Salutatorian, Dayspring Academy. by \*Roberts.

**\*Senate Joint Resolution No. 568** -- Memorials, Academic Achievement - Elizabeth Grace Hall, Valedictorian, Dayspring Academy. by \*Roberts.

**\*Senate Joint Resolution No. 569** -- Memorials, Academic Achievement - Peyton Leigh Frazier, Valedictorian, Dayspring Academy. by \*Roberts.

**\*Senate Joint Resolution No. 570** -- Memorials, Academic Achievement - Trish Nguyen, Valedictorian, Harpeth High School. by \*Roberts.

**\*Senate Joint Resolution No. 571** -- Memorials, Academic Achievement - Ben Bruzewski, Salutatorian, Harpeth High School. by \*Roberts.

**\*Senate Joint Resolution No. 572** -- Memorials, Academic Achievement - Sadie Collins, Valedictorian, Sycamore High School. by \*Roberts.

**\*Senate Joint Resolution No. 573** -- Memorials, Academic Achievement - Grace Harris, Salutatorian, Sycamore High School. by \*Roberts.

**\*Senate Joint Resolution No. 574** -- Memorials, Academic Achievement - Sarah Ramey, Valedictorian, Springfield High School. by \*Roberts.

**\*Senate Joint Resolution No. 575** -- Memorials, Recognition - Fayette County Public Schools Academic Pentathlon teams. by \*Gresham.

**\*Senate Joint Resolution No. 577** -- Memorials, Death - Jonathan Craig Stewart. by \*Yarbro.

**\*Senate Joint Resolution No. 578** -- Memorials, Recognition - Jacob Tullock, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 579** -- Memorials, Public Service - Sarah E.T. Webster. by \*Southerland.

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**\*Senate Joint Resolution No. 580** -- Memorials, Recognition - Winter & Company Dance Studio Competition Team. by \*Southerland.

**\*Senate Joint Resolution No. 581** -- Memorials, Recognition - Ethan Burchett, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 582** -- Memorials, Recognition - Trey Fillers, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolutions listed were noted as being placed on the Consent Calendar for May 1, 2019:

**\*Senate Joint Resolution No. 583** -- Memorials, Academic Achievement - Nathanael Huling Rowley, Valedictorian, Christian Community Schools. by \*Roberts.

**\*Senate Joint Resolution No. 584** -- Memorials, Academic Achievement - Catherine Delanee Belcher, Salutatorian, Christian Community Schools. by \*Roberts.

**\*Senate Joint Resolution No. 585** -- Memorials, Academic Achievement - Jessica Street, Valedictorian, United Christian Academy. by \*Roberts.

**\*Senate Joint Resolution No. 586** -- Memorials, Academic Achievement - Nathan Roach, Salutatorian, United Christian Academy. by \*Roberts.

**\*Senate Joint Resolution No. 587** -- Memorials, Academic Achievement - Michael Austin Gable, Valedictorian, Christian Community Schools. by \*Roberts.

**\*Senate Joint Resolution No. 589** -- Memorials, Recognition - Frank P. "Rusty" Cantwell, Jr., Ageless Hall of Fame. by \*Southerland.

**\*Senate Joint Resolution No. 590** -- Memorials, Recognition - Emma Ruth Catlett, Ageless Hall of Fame. by \*Southerland.

**\*Senate Joint Resolution No. 591** -- Memorials, Recognition - Carolyn "Cookie" Ramsey, Ageless Hall of Fame. by \*Southerland.

**\*Senate Joint Resolution No. 592** -- Memorials, Retirement - Dr. Kitty Shanks Pruett. by \*Niceley.

**\*Senate Joint Resolution No. 593** -- Memorials, Interns - Summer Rodriguez. by \*Akbari.

**\*Senate Joint Resolution No. 594** -- Memorials, Academic Achievement - Annabeth Rose Hatcher, Valedictorian, South Haven Christian School. by \*Roberts.

**\*Senate Joint Resolution No. 595** -- Memorials, Academic Achievement - Hannah Cheyenne Randolph, Salutatorian, South Haven Christian School. by \*Roberts.

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**\*Senate Joint Resolution No. 596** -- Memorials, Academic Achievement - Yuliana Nikisheva, Valedictorian, South Haven Christian School. by \*Roberts.

**\*Senate Joint Resolution No. 600** -- Memorials, Death - Clarence Nimrod "Rod" Pattat. by \*Gresham.

**\*Senate Joint Resolution No. 601** -- Memorials, Recognition - David Alford, REdl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 602** -- Memorials, Recognition - Leanne Morgan, REdl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 603** -- Memorials, Recognition - Rear Admiral Terry Moulton, REdl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 604** -- Memorials, Recognition - Mark Sletto, REdl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 605** -- Memorials, Recognition - Dr. Jessica Ellis Durham, REdl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 606** -- Memorials, Recognition - Michael Korfhage, REdl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 607** -- Memorials, Recognition - Dr. Christine Coker, REdl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 608** -- Memorials, Recognition - Amanda Stubblefield Barnard, Redl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 609** -- Memorials, Recognition - Bobby Trotter, REdl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 610** -- Memorials, Recognition - Tom Sorrells, REdl Hall of Fame. by \*Roberts.

**\*Senate Joint Resolution No. 611** -- Memorials, Heroism - Captain Larry Lowe Taylor, U.S. Army (retired). by \*Gardenhire, \*Watson.

**\*Senate Joint Resolution No. 612** -- Memorials, Retirement - Edna Ann McKee Camp. by \*Gardenhire.

**\*Senate Joint Resolution No. 629** -- Memorials, Professional Achievement - Jefferson Park at Dandridge, 2018 Silver Achievement Quality Award. by \*Niceley.

**REPORTS FROM STANDING COMMITTEES**

The committees that met on **April 30, 2019**, reported the following:

**FINANCE, WAYS, AND MEANS COMMITTEE**

The Finance, Ways, and Means Committee recommended for passage: House Bills Nos. 967, 1460, 569, 1177, 1091, 774, 980, 1440, 1524, 866, 91 and 628, also House Bills Nos. 695, 1262, 740 and 605 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

**NAMING, DESIGNATING, AND PRIVATE ACTS COMMITTEE**

The Naming, Designating, & Private Acts Committee recommended for passage: House Bills Nos. 1542 and 1543. Under the rules, each was transmitted to the Calendar and Rules Committee.

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bills on the **Regular Calendar No. 2** for **April 30, 2019**: House Bill No. 967, 695, 1460, 569, 1177, 1091, 1262, 740, 980, 1440, 1524, 866, 91, 628, 605, 1542, 1543, 867, 1232, and 774.

**CONSENT CALENDAR NO. 1**

**House Bill No. 681** -- Public Funds and Financing - As introduced, revises the Volunteer Public Education Trust Fund Act of 1985; designates the commissioner of education and state treasurer as trustees of the fund. - Amends TCA Title 49, Chapter 3, Part 4. by \*Helton, \*Rudder, \*Littleton, \*Cepicky, \*White, \*Hurt, \*Tillis, \*Sexton J, \*Freeman, \*Haston, \*DeBerry, \*Dixie, \*Dunn, \*Moody, \*Weaver, \*Ragan, \*Leatherwood, \*Griffey.

On motion, House Bill No. 681 was made to conform with **Senate Bill No. 625**; the Senate Bill was substituted for the House Bill.

**House Bill No. 176** -- Insurance Companies, Agents, Brokers, Policies - As introduced, expands types of crop insurance offered under a limited lines producer license to include damage to crops caused by unfavorable weather conditions, fire or lightning, flood, insect infestation, disease, or other yield-reducing conditions or perils, in addition to present coverage for hail. - Amends TCA Title 43 and Title 56, Chapter 6. by \*Hall, \*Gant, \*Curcio, Griffey, \*Doggett.

On motion, House Bill No. 176 was made to conform with **Senate Bill No. 309**; the Senate Bill was substituted for the House Bill.

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**House Bill No. 280** -- Taxes, Ad Valorem - As introduced, authorizes property tax exemption for certain nonprofit entities that occupy and use real property owned by another tax-exempt institution; makes other related revisions. - Amends TCA Section 67-5-207 and Section 67-5-212. by \*Cepicky.

On motion, House Bill No. 280 was made to conform with **Senate Bill No. 408**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 322** -- Boards and Commissions - As introduced, adds the speaker of the house of representatives and the speaker of the senate as permanent ex officio voting members of the Tennessee medical examiner advisory council. - Amends TCA Title 38, Chapter 7, Part 2. by \*Hakeem.

On motion, House Bill No. 322 was made to conform with **Senate Bill No. 272**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 552** -- Naming and Designating - As introduced, designates the CSM Bobby G. Davis National Guard Armory in Chattanooga as the "CSM Bobby G. Davis and BG Carl E. Levi National Guard Armory". by \*Hazlewood.

On motion, House Bill No. 552 was made to conform with **Senate Bill No. 479**; the Senate Bill was substituted for the House Bill.

**House Bill No. 123** -- Fire Prevention and Investigation - As introduced, extends the same police powers that municipal fire investigators have to certain salaried county fire investigators. - Amends TCA Section 39-17-1315 and Title 68, Chapter 102. by \*Terry, \*Rudd, \*Baum, \*Sparks, \*Stewart, \*Sherrell, \*Holt.

On motion, House Bill No. 123 was made to conform with **Senate Bill No. 267**; the Senate Bill was substituted for the House Bill.

**House Bill No. 296** -- Licenses - As introduced, exempts certain medical professionals from massage licensure requirements where massages for compensation are provided in the offices of such medical professionals by licensed massage therapists. - Amends TCA Title 63, Chapter 18. by \*Hill M.

On motion, House Bill No. 296 was made to conform with **Senate Bill No. 467**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 518** -- Firefighters - As introduced, creates a program managed by the commissioner of commerce and insurance to annually award grants to volunteer fire departments for the purchase of firefighting equipment or to meet local match requirements for federal grants for the purchase of firefighting equipment and training. - Amends TCA Title 68, Chapter 102. by \*Hill T.

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**\*House Bill No. 1312** -- Taxes, Sales - As introduced, allows municipality with a border region retail tourism development district that elects to remove property from the district to include adjacent property with an equal or lesser amount of acreage by resolution of the municipality. - Amends TCA Title 7, Chapter 40. by \*Crawford.

On motion, House Bill No. 1312 was made to conform with **Senate Bill No. 1122**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1533** -- Rhea County - Subject to local approval, eliminates the tax assessor's duty of collecting a fee for services in placing a stamp on a deed. - Amends Chapter 896 of the Private Acts of 1949. by \*Travis.

**House Resolution No. 120** -- Memorials, Death - John D. Snodgrass. by \*Hicks.

**House Resolution No. 121** -- Memorials, Death - Talmadge Gibson. by \*Hicks.

**House Resolution No. 122** -- Memorials, Recognition - Eliza Smith. by \*Hicks.

**House Resolution No. 123** -- Memorials, Academic Achievement - May Tran, Valedictorian, Ivy Academy. by \*Hazlewood.

**House Resolution No. 124** -- Memorials, Academic Achievement - Kirsten McGill, Salutatorian, Ivy Academy. by \*Hazlewood.

**House Resolution No. 125** -- Memorials, Academic Achievement - Merry Gatewood, Valedictorian, First Assembly Christian School. by \*Thompson.

**House Resolution No. 126** -- Memorials, Academic Achievement - Erika Bates, Salutatorian, First Assembly Christian School. by \*Thompson.

**House Resolution No. 127** -- Memorials, Academic Achievement - Alan Pan, Valedictorian, Cordova High School. by \*Thompson.

**House Resolution No. 128** -- Memorials, Academic Achievement - Caelin Lee, Salutatorian, Cordova High School. by \*Thompson.

**\*House Joint Resolution No. 625** -- Memorials, Recognition - Hamilton County Sheriff's Office, 200th anniversary. by \*Hazlewood.

**\*House Joint Resolution No. 626** -- Memorials, Interns - Rodrick Douglas. by \*Faison.

**\*Senate Joint Resolution No. 599** -- Memorials, Professional Achievement - Lynchburg Nursing Center, 2018 Silver Achievement in Quality Award. by \*Reeves.

**\*Senate Joint Resolution No. 615** -- Memorials, Recognition - Matthew Cook. by \*Bell, \*Lundberg, \*White, \*Bowling, \*Gardenhire, \*Roberts, \*Stevens, \*Kyle, \*Robinson.



## TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY

Pursuant to **Rule No. 50**, Rep. Zachary moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate Joint Resolutions confirming appointments on the Clerk's desk be substituted for House Joint Resolutions confirming the same appointments, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	91
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Zachary, Mr. Speaker Casada--  
91

Representatives present and not voting were: Rudd--1

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Consent Calendar No. 1** and have this statement entered in the Journal: Rep. Hazlewood.

### SPECIAL ORDER

Without objection, Rep. Lamberth moved the House to take up Message Calendar No. 1, out of order at this time as follows:

### MESSAGE CALENDAR

#### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 471** -- Sunset Laws - As introduced, extends the bureau of TennCare within the department of finance and administration to June 30, 2022. - Amends TCA Title 4, Chapter 29; Title 4, Chapter 3, Part 10 and Title 71. by \*Daniel, \*Hill M, \*Hardaway. (\*SB132 by \*Roberts, \*Crowe)

Rep. Daniel moved that the House non-concur in Senate Amendment No. 1 to **House Bill No. 471**, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 513** -- Judges and Chancellors - As introduced, increases, from once a year to every six months, the frequency with which the Tennessee board of judicial conduct must review its records retention policy to determine if changes should be made to such policy. - Amends TCA Title 17, Chapter 5. by \*Curcio. (\*SB452 by \*Bell, \*Gresham)

Rep. Curcio moved that the House refuse to recede from its action in nonconcurring in Senate Amendment No. 1 to **House Bill No. 513**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 513**

Pursuant to **Rule No. 73**, Representative Curcio moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 513, which motion prevailed.

The Speaker appointed Representatives Curcio, Lamberth and Beck as the House members of the Conference Committee on House Bill No. 513.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 939** -- Education - As introduced, extends, from 10 days to 30 days, the period of time after a local board of education orders a student's school assignment within which a parent, guardian, or legal representative may apply to the board for a hearing to challenge the reasonableness of the student's assignment and to request the student's transfer to another school. - Amends TCA Title 49, Chapter 6. by \*Lamberth. (SB795 by \*Johnson, \*Gresham, \*Kelsey)

Rep. Dunn moved that the House refuse to recede from its action in nonconcurring in Senate Amendments Nos. 2 and 5 to **House Bill No. 939**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 939**

Pursuant to **Rule No. 73**, Representative Dunn moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 939, which motion prevailed.

The Speaker appointed Representatives Dunn, Holt, M. Hill, Baum and Staples as the House members of the Conference Committee on House Bill No. 939.

HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 1233** -- Fiscal Review Committee - As introduced, clarifies the appropriate house committee bills for which fiscal review is required to do an impact to commerce statement. - Amends TCA Title 3; Title 4; Title 8; Title 9 and Title 12. by \*Casada, \*Sanderson, \*Daniel. (SB1235 by \*Gardenhire)

Rep. Sanderson moved that the House refuse to recede from its action in nonconcurring in Senate Amendment No. 1 to **House Bill No. 1233**, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 1233

Pursuant to **Rule No. 73**, Representative Sanderson moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 1233, which motion prevailed.

The Speaker appointed Representatives Sanderson, Jernigan and Travis as the House members of the Conference Committee on House Bill No. 1233.

REGULAR CALENDAR

**House Bill No. 1334** -- Health, Dept. of - As introduced, requires regional medical communication centers to provide monthly data to the commissioner regarding the number of flight requests rejected by a vendor and the patient volumes transported into the covered region; requires the commissioner to monthly post the data to the department's website in a manner accessible to the public. - Amends TCA Title 4 and Title 68. by \*Sparks. (\*SB626 by \*Watson)

Further consideration of House Bill No. 1334, previously considered on April 22, 2019 and April 23, 2019, at which time it was reset for today's Calendar.

On motion, House Bill No. 1334 was made to conform with **Senate Bill No. 626**; the Senate Bill was substituted for the House Bill.

Rep. Sparks moved that **Senate Bill No. 626** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Thompson, Tillis, Todd, Towns,

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--93

A motion to reconsider was tabled.

**House Bill No. 389** -- Employees, Employers - As introduced, prohibits a medical review officer from considering prescriptions issued more than six months prior to a positive confirmed drug result for purposes of determining a valid prescription and immunity from actions authorized for employers to take against employees and job applicants following such a result under drug-free workplace program. - Amends TCA Title 8 and Title 50. by \*Helton, \*Bricken, \*Thompson, \*Coley, \*Boyd, \*Sparks, \*Smith, \*Parkinson. (\*SB312 by \*Watson)

Further consideration of House Bill No. 389, previously considered on April 22, 2019 and April 23, 2019, at which time it was reset for today's Calendar.

On motion, House Bill No. 389 was made to conform with **Senate Bill No. 312**; the Senate Bill was substituted for the House Bill.

Rep. Helton moved that Senate Bill No. 312 be passed on third and final consideration.

Rep. Boyd moved adoption of Consumer and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 312 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 9, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Issued" means the date that the licensed physician physically wrote or electronically transmitted the prescription to the pharmacy; and

(2) "Valid prescription" means a prescription that is written or electronically sent by a licensed practitioner for the individual subject to a drug test pursuant to this chapter and filled in a licensed pharmacy.

(b) Notwithstanding this chapter to the contrary, the medical review officer shall only consider prescriptions issued within six (6) months prior to a positive confirmed drug result for purposes of determining a valid prescription and immunity from actions authorized by this chapter following a positive confirmed drug result.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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On motion, Consumer and Human Resources Committee Amendment No. 1 was adopted.

Rep. Helton moved that **Senate Bill No. 312**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--96

A motion to reconsider was tabled.

**House Bill No. 1022** -- Pensions and Retirement Benefits - As introduced, prohibits a current early service retiree from changing to disability retirement; makes other revisions to provisions governing the Tennessee consolidated retirement system. - Amends TCA Section 8-25-204; Section 8-25-205; Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36 and Title 8, Chapter 37. by \*Lynn. (\*SB633 by \*Watson)

Further consideration of House Bill No. 1022, previously considered on April 22, 2019 and April 23, 2019, at which time it was reset for today's Calendar.

On motion, House Bill No. 1022 was made to conform with **Senate Bill No. 633**; the Senate Bill was substituted for the House Bill.

Rep. Lynn moved that Senate Bill No. 633 be passed on third and final consideration.

Rep. Hazlewood moved that Pensions and Insurance Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Lynn moved that **Senate Bill No. 633** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T,

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Hodges, Holsclaw, Holt, Howell, Hulse, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--96

A motion to reconsider was tabled.

**\*House Bill No. 419** -- Insurance Companies, Agents, Brokers, Policies - As introduced, enacts the "Tennessee Right to Shop Act." - Amends TCA Title 8; Title 33; Title 56; Title 63 and Title 68. by \*Smith, \*Casada, \*Sexton C, \*Helton, \*Howell, \*Daniel, \*Powers, \*Terry, \*Tillis, \*Marsh, \*White, \*Coley, \*Zachary, \*Lafferty, \*Weaver, \*Ragan, \*Hardaway, \*Kumar, \*Sparks, \*Parkinson, \*Haston. (SB510 by \*Roberts, \*Jackson, \*Massey, \*Pody)

On motion, House Bill No. 419 was made to conform with **Senate Bill No. 510**; the Senate Bill was substituted for the House Bill.

Rep. Smith moved that Senate Bill No. 510 be passed on third and final consideration.

Rep. Lynn moved adoption of Pensions and Insurance Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 510 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, is amended by adding the following as a new part:

**56-7-3501.** This part shall be known and may be cited as the "Tennessee Right to Shop Act."

**56-7-3502.** As used in this part:

(1) "Allowed amount" means the contractually agreed upon amount paid by a carrier to a healthcare entity participating in the carrier's network;

(2) "Commissioner" means the commissioner of commerce and insurance;

(3) "Comparable healthcare service":

(A) Means any shoppable non-emergency outpatient healthcare service or bundle of services; and

(B) Includes, but is not limited to, physical and occupational therapy services; radiology and imaging services; laboratory services; and infusion therapy;

- (4) "Department" means the department of commerce and insurance;
- (5) "Health plan" means health insurance coverage as defined in § 56-7-109;
- (6) "Healthcare entity" means:
  - (A) Any healthcare facility licensed under title 33 or 68; and
  - (B) Any healthcare provider licensed under title 63 or 68;
- (7) "Insurance carrier" or "carrier" means a health insurance entity as defined in § 56-7-109; and
- (8) "Shopping and decision support program" means the program established by a carrier pursuant to this part.

**56-7-3503.**

(a)

(1) Beginning upon approval of the next health insurance rate filing on or after January 1, 2020, a carrier offering a health plan in this state shall implement a shopping and decision support program that provides shopping capabilities and decision support services for enrollees in a health plan. Beginning upon approval of health plans offered on or after January 1, 2021, a carrier shall provide incentives for enrollees in a health plan who elect to receive a comparable healthcare service from a network provider that is covered by the health plan and that is paid less than the average allowed amount paid by that carrier to network providers for that comparable healthcare service before and after an enrollee's out-of-pocket limit has been met.

(2) Incentives, effective January 1, 2021, may be calculated as a percentage of the difference between the amount actually paid by the carrier for a given comparable healthcare service and the average allowed amount for that service. Incentives may be provided as a cash payment to the enrollee, a credit toward the enrollee's annual in-network deductible and out-of-pocket limit, or a credit or reduction of a premium, a copayment, cost sharing, or a deductible. (3) The shopping and decision support program must provide each enrollee with at least fifty percent (50%) of the carrier's saved costs for each comparable healthcare service resulting from shopping by the enrollee. However, the shopping and decision support program may exclude incentive payments, credits, or reductions for services where the savings to the carrier is fifty dollars (\$50.00) or less.

(4) The average allowed amount must be based on the actual allowed amounts paid to network providers under the enrollee's health plan within a reasonable timeframe, not to exceed one (1) year.

(5) Annually, at enrollment or renewal, a carrier shall provide, at a minimum, notice to enrollees of the right to obtain information described in subdivision (a)(4) and the process for obtaining the information, and a description of how to earn the incentives. A carrier shall provide this notice on the carrier's website and in health plan materials provided to enrollees.

(b) An insurance carrier shall make the shopping and decision support program available as a component of all health plans offered by the carrier in this state.

(c) Prior to offering the shopping and decision support program to any enrollee, a carrier shall file a description of the shopping and decision support program established by the carrier pursuant to this section with the department. The insurance carrier has discretion as to the appropriate format for providing the information required and may customize the format in order to provide the most relevant information necessary to permit the department to determine compliance. The department may review the filing made by the carrier to determine if the carrier's shopping and decision support program complies with this section.

(d)

(1) Beginning January 1, 2022, a carrier shall annually file with the department for the most recent calendar year the total number of comparable healthcare service incentive payments made pursuant to this section, the use of comparable healthcare services by category of service for which comparable healthcare service incentive payments were made, the total incentive payments made to enrollees, the average amount of incentive payments made by service for the transactions, and the total number and percentage of a carrier's enrollees that participated in the transactions.

(2) Beginning in 2022 and by April 1 of each year thereafter, the commissioner shall submit an aggregate report for all carriers filing the information required by this subsection (d) to the commerce and labor committee of the senate and the insurance committee of the house of representatives. The commissioner may set reasonable limits on the annual reporting requirements on carriers to focus on the more popular comparable healthcare services.

**56-7-3504.**

(a) Beginning upon approval of the next health insurance rate filing on or after January 1, 2020, a carrier offering a health plan in this state shall comply with this section.

(b)



(1) A carrier shall make available an interactive member portal and a toll-free phone number that enables an enrollee to request and obtain from the carrier information on the average payments made by the carrier to network entities or providers for comparable healthcare services, as well as quality data for those providers, to the extent available.

(2) The member portal and toll-free phone number must allow an enrollee seeking information about the cost of a particular healthcare service to estimate out-of-pocket costs applicable to that enrollee's health plan and compare the average allowed amount paid to a network provider for the procedure or service under the enrollee's health plan within a reasonable timeframe not to exceed one (1) year.

(3) The out-of-pocket estimate must provide a good faith estimate based on the information provided by the enrollee or the enrollee's provider of the amount the enrollee will be responsible to pay out-of-pocket for a proposed non-emergency procedure or service that is determined by the carrier to be a medically necessary covered benefit from a carrier's network provider, including any copayment, deductible, coinsurance, or other out-of-pocket amount for any covered benefit, based on the information available to the carrier at the time the request is made, and subject to further medical necessity review by the carrier. A carrier shall contract with a third-party vendor to comply with this subsection (b).

(4) A carrier shall provide the information described in this subsection (b) by the carrier's member portal and toll-free phone number even if the enrollee requesting the information has exceeded the enrollee's deductible or out-of-pocket costs according to the enrollee's health plan. Existing transparency mechanisms or programs that estimate out-of-pocket costs for enrollees still within their deductible qualify under this section as long as those mechanisms or programs continue to disclose the estimated average allowed amount even after an enrollee has exceeded the enrollee's deductible as well as any estimated out-of-pocket cost.

(c) Nothing in this section prohibits a carrier from imposing cost-sharing requirements disclosed in the enrollee's policy, contract, or certificate of coverage for unforeseen healthcare services that arise out of the non-emergency procedure or service or for a procedure or service provided to an enrollee that was not included in the original estimate.

(d) A carrier shall notify an enrollee that the provided costs are estimated costs, and that the actual amount the enrollee will be responsible to pay may vary due to unforeseen services that arise out of the proposed non-emergency procedure or service.

**56-7-3505.**

At the request of a patient, a healthcare entity shall provide a copy of an order for a comparable healthcare service within two (2) business days of the request.

**56-7-3506.**

The state insurance committee, created by § 8-27-201, shall publish a report no later than January 1, 2020, on examples of shared savings incentive programs that directly incentivize current enrollees and retirees to shop for lower cost care in other states and consider implementation of such a program in this state. The state insurance committee may implement such a program as part of the next open enrollment period if it is believed to be cost effective. The state insurance committee shall share the report in writing to the government operations committees in both the senate and house of representatives.

**56-7-3507.**

The commissioner is authorized to promulgate rules as necessary to implement this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

**56-7-3508.**

Except for § 56-7-3506, and notwithstanding § 56-7-1005, this part does not apply to:

(1) Any group insurance plan offered under title 8, chapter 27;

(2) Any managed care organization contracting with the state to provide insurance through the TennCare program or the CoverKids program; or

(3) Any plan described in Section 1251 of the federal Patient Protection and Affordable Care Act (42 U.S.C. § 18011) and Section 2301 of the federal Health Care and Education Reconciliation Act.

**56-7-3509.**

Notwithstanding this part, the total value of incentives offered to any one (1) enrollee must not exceed six hundred dollars (\$600) in any year.

SECTION 2. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2020, the public welfare requiring it, and shall apply to all health plans entered into or renewed on or after that date.

On motion, Pensions and Insurance Amendment No. 1 was adopted.

Rep. Travis moved that Insurance Committee Amendment No. 1, as House Amendment No. 2, be withdrawn, which motion prevailed.

Rep. Daniel moved adoption of Government Operations Committee Amendment No. 1, as House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 510 by deleting § 56-7-3502(1) in SECTION 1 and substituting the following:

(1) "Allowed amount" means the contractually agreed upon payment amount between a carrier and a healthcare entity participating in the carrier's network, excluding any member deductible, copay, or other obligation;

**AND FURTHER AMEND** by deleting § 56-7-3502(3) in SECTION 1 and substituting the following:

(3) "Comparable healthcare service" means the following outpatient healthcare services:

(A) Physical and occupational therapy;

(B) Radiology and imaging;

(C) Laboratory services; and

(D) Infusion therapy;

**AND FURTHER AMEND** by deleting the language "Beginning upon approval of health plans offered on or after January 1, 2021" in § 56-7-3503(a)(1) in SECTION 1 and substituting the language "Beginning on January 1, 2021".

**AND FURTHER AMEND** by deleting the language "resulting from shopping by the enrollee" in § 56-7-3503(a)(3) in SECTION 1.

**AND FURTHER AMEND** by deleting the word "shall" in the last sentence of § 56-7-3504(b)(3) in SECTION 1 and substituting the word "may".

**AND FURTHER AMEND** by deleting the language "healthcare entity" in § 56-7-3505 in SECTION 1 and substituting the language "healthcare provider licensed under title 63 or 68".

**AND FURTHER AMEND** by deleting the language "six hundred dollars (\$600)" in § 56-7-3509 in SECTION 1 and substituting the language "five hundred ninety-nine dollars (\$599)".

On motion, Government Operations Committee Amendment No. 1, as House Amendment No. 3 was adopted.

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Rep. Gant moved the previous question, which motion prevailed.

Rep. Smith moved that **Senate Bill No. 510**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 92  
Noes..... 1

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--92

Representatives voting no were: Travis--1

A motion to reconsider was tabled.

**\*House Bill No. 237** -- Revenue, Dept. of - As introduced, requires department to conduct a study by January 1, 2020, on how much sales tax is estimated to be collected if remote sellers are required to collect sales tax in this state. - Amends TCA Title 67, Chapter 4 and Title 67, Chapter 6. by \*Kumar, \*Holt, \*White. (SB276 by \*Kurita, \*Yager)

On motion, House Bill No. 237 was made to conform with **Senate Bill No. 276**; the Senate Bill was substituted for the House Bill.

Rep. Kumar moved that Senate Bill No. 276 be passed on third and final consideration.

Rep. Lynn moved that Finance, Ways and Means Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Kumar moved that **Senate Bill No. 276** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Thompson, Tillis,

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Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Williams, Windle, Zachary, Mr. Speaker Casada--93

A motion to reconsider was tabled.

**\*House Bill No. 809** -- Taxes, Real Property - As introduced, expands definition of agricultural land for purposes of greenbelt property tax program to include two noncontiguous tracts of land within same county totaling at least 15 acres and split only by public or private road. - Amends TCA Title 67, Chapter 5, Part 10. by \*Kumar, \*Hill T, \*Crawford, \*Calfee, \*Helton. (SB886 by \*Niceley)

Rep. Kumar moved that House Bill No. 809 be passed on third and final consideration.

Rep. Halford moved adoption of Agriculture and Natural Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 809 by deleting subdivision (B)(iii) in Section 1 and substituting instead the following:

(iii) Two (2) noncontiguous tracts within the same county totaling at least fifteen (15) acres, including woodlands and wastelands, that are separated only by a road, body of water, or public or private easement and together constituting a farm unit;

On motion, Agriculture and Natural Resources Committee Amendment No. 1 was adopted.

Rep. Kumar moved that **House Bill No. 809**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--95

A motion to reconsider was tabled.

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**\*House Bill No. 1536** -- Winchester - Subject to local approval, rewrites city charter. - Amends Chapter 23 of the Private Acts of 2011. by \*Rudder. (SB1546 by \*Bowling)

Rep. Rudder moved that **House Bill No. 1536** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes.....	0
Present and not voting.....	2

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--91

Representatives present and not voting were: Dixie, Rudd--2

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 1536** and have this statement entered in the Journal: Rep. Hulsey.

### REGULAR CALENDAR, CONTINUED

**House Bill No. 1425** -- Scholarships and Financial Aid - As introduced, increases from one to two the number of additional dual enrollment courses a student may take under a dual enrollment grant under certain circumstances; allows an eligible student to receive a dual enrollment grant for no more than 10 courses. - Amends TCA Title 49. by \*Rudder, \*Byrd, \*Keisling, \*Coley, \*Haston, \*Cepicky, \*Tillis, \*Williams, \*Powers, \*Sherrell, \*Hardaway, \*Lamberth, \*Sexton C, \*Todd, \*White, \*Ogles, \*Ragan, \*Hicks, \*Clemmons, \*Camper, \*Helton, \*Smith. (\*SB764 by \*Yarbro)

Rep. Rudder moved that House Bill No. 1425 be passed on third and final consideration.

Rep. White moved adoption of Education Committee Amendment No. 1 as follows:

#### Amendment No. 1

AMEND House Bill No. 1425 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-4-930(d), is amended by deleting the language "one (1) additional course per semester" and substituting instead the language "two (2) additional courses per semester".

SECTION 2. Tennessee Code Annotated, Section 49-4-930(g), is amended by deleting subdivision (2) and substituting instead the following:

(2) Subject to the amounts appropriated by the general assembly and any law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, a student who is eligible to receive a dual enrollment grant pursuant to this section is eligible to receive a dual enrollment grant for no more than ten (10) courses. TSAC's board of directors shall determine the award for a credit hour taken under a dual enrollment grant. TSAC's board of directors shall not award an amount for a credit hour taken under a dual enrollment grant that exceeds the cost per credit hour of courses taken at community colleges in the state university and community college system.

SECTION 3. This act shall take effect July 1, 2020, at 12:02 a.m., the public welfare requiring it.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. Rudder moved that **House Bill No. 1425**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--94

A motion to reconsider was tabled.

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

**\*House Bill No. 2** -- Sentencing - As introduced, enacts the "JaJuan Latham Act," which increases the penalty for an aggravated assault or homicide that occurs by a person discharging a firearm from within a motor vehicle and the victim is a minor at the time of the offense. - Amends TCA Title 39, Chapter 13, Part 1 and Title 39, Chapter 13, Part 2. by \*Staples, \*Ogles, \*Lamberth, \*Jernigan, \*Hardaway, \*Thompson, \*Love, \*Coley, \*Hazlewood, \*White, \*Lamar, \*Camper, \*Moon, \*Hodges, \*Helton, \*Shaw. (SB10 by \*Briggs)

Rep. Staples moved that **House Bill No. 2** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulse, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--96

A motion to reconsider was tabled.

**\*House Bill No. 41** -- Handgun Permits - As introduced, requires the department of safety to issue a handgun carry permit containing zeros in place of an expiration date upon request by a permit holder or applicant who is in the military and stationed outside this state. - Amends TCA Section 39-17-1351. by \*Van Huss. (SB95 by \*Watson, \*Crowe)

Rep. Van Huss moved that **House Bill No. 41** be reset for the Regular Calendar on May 1, 2019, which motion prevailed.

**\*House Bill No. 1004** -- Parks, Natural Areas Preservation - As introduced, extends a 50 percent discount on camping fees at state parks to veterans who have a 100-percent permanent total service-connected disability. - Amends TCA Title 11. by \*Van Huss, \*Cepicky, \*Ragan, \*Crawford, \*Camper, \*Kumar, \*Windle, \*Powers, \*Hardaway. (SB1119 by \*Crowe, \*Pody)

On motion, House Bill No. 1004 was made to conform with **Senate Bill No. 1119**; the Senate Bill was substituted for the House Bill.

Rep. Van Huss moved that Senate Bill No. 1119 be passed on third and final consideration.

Rep. Halford moved that Agriculture and Natural Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.



**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

Rep. Van Huss moved that **Senate Bill No. 1119** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--95

A motion to reconsider was tabled.

**House Bill No. 37** -- Public Health - As introduced, creates the state Alzheimer's disease and related dementia advisory council. - Amends TCA Title 4; Title 68, Chapter 11, Part 14 and Title 71. by \*Whitson, \*Casada, \*Hawk, \*Love, \*Hazlewood, \*Helton, \*Carter, \*Gant, \*Weaver, \*Beck, \*Hicks, \*Hill M, \*Howell, \*Johnson G, \*Ogles, \*Jernigan, \*Zachary, \*Dixie, \*Lamberth, \*Clemmons, \*Cooper, \*Sherrell, \*Hall, \*Byrd, \*Van Huss, \*Moon, \*Calfee, \*Lafferty, \*Freeman, \*Terry, \*Cepicky, \*Haston, \*Keisling, \*Littleton, \*Miller, \*Windle, \*Holsclaw, \*Ragan, \*Boyd, \*Camper, \*Marsh, \*Powell, \*Chism, \*Powers, \*Smith, \*Garrett, \*Shaw, \*Hodges, \*White, \*Faison, \*Hakeem, \*Bricken, \*Lamar, \*Hardaway, \*Cochran, \*Sanderson, \*Crawford, \*Doggett, \*Hill T, \*Moody, \*Kumar, \*Hurt, \*Travis, \*Daniel, \*Towns, \*Williams, \*Coley, \*Parkinson, \*Thompson. (\*SB28 by \*Crowe)

On motion, House Bill No. 37 was made to conform with **Senate Bill No. 28**; the Senate Bill was substituted for the House Bill.

Rep. Whitson moved that Senate Bill No. 28 be passed on third and final consideration.

Rep. Helton moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Daniel moved that Government Operations Committee Amendment No. 1 as House Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Lynn moved adoption of Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 28 by deleting 71-2-117(c)(1)(J) and (K) in SECTION 2 and substituting instead the following:

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

(J) A representative of the Tennessee Health Care Association, to be appointed by the executive director;

(K) A representative of LeadingAge Tennessee, to be appointed by the executive director; and

(L) Any other person possessing relevant experience with Alzheimer's disease and related dementia care, to be appointed by the executive director.

On motion, Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 3 was adopted.

Rep. Whitson moved that **Senate Bill No. 28**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--95

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Senate Bill No. 28** and have this statement entered in the Journal: Rep. Staples.

**REGULAR CALENDAR, CONTIUNED**

**\*House Bill No. 156** -- Criminal Offenses - As introduced, creates the Class E felony of tampering with, destroying, or interfering with any pipeline, pumping station, or equipment used to transport, store, or distribute crude or refined petroleum products or natural gas. - Amends TCA Section 39-14-411. by \*Whitson, \*Curcio, \*Jernigan, \*Hardaway, \*Moon, \*Helton, \*Ragan. (SB264 by \*Niceley, \*Crowe)

On motion, House Bill No. 156 was made to conform with **Senate Bill No. 264**; the Senate Bill was substituted for the House Bill.

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

Rep. Whitson moved that Senate Bill No. 264 be passed on third and final consideration.

Rep. Curcio moved that Judiciary Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Whitson moved that **Senate Bill No. 264** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulse, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--95

A motion to reconsider was tabled.

**\*House Bill No. 498** -- TennCare - As introduced, reduces the time period from 30 days to 15 days for an enrollee or applicant for medical assistance to mail documentation of a material change affecting the enrollee or applicant's TennCare application. - Amends TCA Title 4; Title 33; Title 56; Title 68 and Title 71. by \*Whitson, \*Tillis, \*Rudd, \*Hill T, \*Smith, \*Hill M, \*Jernigan, \*Sexton C, \*Curcio, \*Casada, \*Freeman, \*Daniel, \*Powell, \*Byrd, \*Hawk, \*Littleton, \*Van Huss, \*Gant, \*Hodges, \*Staples, \*Terry, \*Thompson, \*Cepicky, \*Sparks, \*Miller, \*Hicks, \*Hall, \*Clemmons, \*Love, \*Hakeem, \*Potts, \*Beck, \*Travis, \*Williams, \*Windle, \*Keisling, \*Towns, \*Dixie, \*Sherrell, \*Powers, \*Faison, \*Hurt, \*Lafferty, \*Eldridge, \*Zachary, \*Johnson C, \*Wright, \*Shaw, \*Howell, \*Carr, \*Leatherwood, \*Coley, \*Farmer, \*Rudder, \*Helton, \*Moon, \*Calfee, \*Garrett, \*Lamar, \*Camper, \*Cochran, \*Ramsey, \*Stewart, \*Russell, \*Sexton J, \*Hazlewood, \*Haston, \*Dunn, \*Griffey, \*White, \*Marsh, \*Hardaway, \*Moody, \*Crawford, \*Carter, \*Kumar, \*Johnson G, \*Parkinson, \*Weaver, \*Holsclaw, \*Baum, \*Bricken, \*Ogles, \*Ragan, \*Chism, \*Mitchell, \*Todd, \*Vaughan, \*Doggett. (SB476 by \*Roberts)

Rep. Whitson moved that House Bill No. 498 be passed on third and final consideration.

Rep. Travis moved adoption of Insurance Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 498 by deleting all language after the caption and substituting instead the following:

WHEREAS, families caring for a child with disabilities or complex medical needs at home are often burdened with the excessive financial and personal costs of providing continuous care; and

WHEREAS, private insurance companies rarely cover essential, long-term medical care, specialized equipment and therapies, and respite services needed by these children and their families, and often establish monetary limits that are well below the level required by a severely disabled child; and

WHEREAS, these children would qualify for Medicaid if institutionalized, but their families may not meet the income or resource thresholds for government assistance if they choose to care for a severely disabled child at home; and

WHEREAS, private insurance premiums may be unaffordable for low and middle income families and may not cover essential wraparound benefits such as respite care; and

WHEREAS, assisting these families in purchasing and maintaining private insurance can help delay the need for Medicaid eligibility and services and allow more children and their families to be served with available appropriations; and

WHEREAS, providing essential wraparound services for children with disabilities and their families may help to sustain family caregiving, plan and prepare the child for transition to employment and community living with as much independence as possible, and delay the need for Medicaid eligibility and services; now, therefore,

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:**

**SECTION 1.** Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following new section:

(a) The commissioner of finance and administration is directed to submit, no later than one hundred twenty (120) days after the effective date of this act, to the federal centers for medicare and medicaid services a waiver or waivers pursuant to Section 1115 of the Social Security Act for the purpose of establishing a distinct Katie Beckett program. The Katie Beckett program must be designed in consultation with the commissioner of intellectual and developmental disabilities and must, subject to approval by the centers for medicare and medicaid services, be composed of two (2) parts as described in subsections (b) and (c), and be administered in accordance with this section.

(b) Part A of the Katie Beckett program:

(1) Must be designed to provide a pathway to eligibility for medicaid services and essential wraparound home- and community-based services by waiving the deeming of the parents' income and resources as applicable to a child who is under eighteen (18) years of age and:

(A) Has medical needs that:

(i) Result in severe functional limitations that meet criteria established specifically for children;

(ii) Would qualify the child for institutionalization in an acute care hospital, nursing facility, or intermediate care facility for individuals with intellectual disabilities; and

(iii) Are likely to last at least twelve (12) months or result in death;

(B) Is not receiving long-term services from any alternative waiver program established under this title;

(C) Would otherwise qualify for supplemental security income due to the child's disability but for the income or resources of their parent;

(D) For whom a licensed physician has certified that in-home care is an appropriate way to meet the child's needs; and

(E) For whom the cost of care outside of the institution does not exceed the estimated medicaid cost of appropriate institutional care;

(2) Must offer an integrated program that:

(A) As funding permits, provides children meeting the criteria in subdivision (b)(1) with treatment and support, including, but not limited to:

(i) Respite care;

(ii) Care coordination; and

(iii) Medically necessary medical care and supportive services;

(B) Accepts applications for the program during periods of open enrollment;

(C) Prioritizes for enrollment into the program children with the most significant disabilities or complex medical needs;

(D) Delivers medically necessary care and essential wraparound services and supports in the most integrated setting appropriate and cost-effective way possible in order to utilize available funding to serve as many children as possible; and

(E) If approved by the federal centers for medicare and medicaid services:

(i) Requires periodic reevaluations of an enrolled child's eligibility based upon eligibility criteria for all open categories of TennCare coverage; and

(ii) At the time of reevaluation, allows the bureau of TennCare to disenroll a child who no longer meets the eligibility criteria for any open category of TennCare coverage;

(3) Must provide children applying for or enrolled in Part A of the program with the same appeal rights accorded all other TennCare applicants and enrollees; and

(4) May require parents of children enrolled in Part A of the program to purchase and maintain available private or employer-sponsored insurance that offers coverage for the child, and establish buy-in or premium requirements, using a sliding fee scale based on parent income, to help offset state costs and ensure program sustainability. Any premiums must take into account any amounts paid by a family for private insurance also provided for the child.

(c) Part B of the Katie Beckett program:

(1) Must be administered by the department of intellectual and developmental disabilities;

(2) Must be designed as a medicaid diversion plan and offer a capped package of essential wraparound services and supports as well as premium assistance, using a sliding fee scale based on parent income, for a child who is under eighteen (18) years of age and:

(A) Has medical needs that:

(i) Meet the level of care criteria established specifically for children;

(ii) Would qualify the child for institutionalization in an acute care hospital, nursing facility, or intermediate care facility for individuals with intellectual disabilities or place the child at risk of institutionalization; and

(iii) Are likely to last at least twelve (12) months or result in death; and

(B) Is not medicaid eligible and is not receiving long-term services from any alternative waiver program established under this title;

(3) Must provide services in the most integrated setting appropriate and cost-effective way possible in order to utilize available funding to assist as many children and families as possible; support and sustain child health; utilize, support, and sustain family caregiving; plan and prepare the child for transition to employment and community living with as much independence as possible; and delay the need for medicaid eligibility and services;

(4) Must determine eligibility for services based solely upon medical necessity; and

(5) Must provide children applying for or enrolled in Part B of the program with the same appeal rights accorded all other TennCare and department of intellectual and developmental disabilities applicants and enrollees.

(d) If the bureau of TennCare finds it cost-effective and all necessary federal waivers are obtained, then parents or guardians of a child meeting the criteria in subsection (b) or (c) may be authorized to hire and manage care providers for specified wraparound services using a consumer direction model.

(e) Beginning February 1, 2020, and no later than February 1 of each year thereafter, the bureau of TennCare and the department of intellectual and developmental disabilities shall issue an annual joint report to the insurance committee of the house of representatives and the health and welfare committee of the senate on the status of the Katie Beckett program that includes, but is not limited to, the following information:

(1) Total spent on program funding, including state and federal funds;

(2) The amount of administrative costs to operate the program;

(3) The costs of Part A and Part B, individually;

(4) The number of children served through the program;

(5) The services provided by and through the program; and

(6) The income range of the parents of children participating in the program.

(f) The bureau of TennCare and the department of intellectual and developmental disabilities are authorized, as necessary, to promulgate rules to effectuate the purposes of this section. Rules must be promulgated in

accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(g) This section does not create an entitlement to services through the provisions of a Katie Beckett program, and the services provided and the number of individuals served are subject to appropriations made for that purpose.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Insurance Committee Amendment No. 1 was adopted.

Rep. C. Sexton moved adoption of House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 498 by deleting the last sentence of subsection (a) in Section 1 and substituting instead the following:

The Katie Beckett program must be designed in consultation with the commissioner of intellectual and developmental disabilities and must be administered in accordance with this section. It is the intent of the General Assembly, that subject to approval by the centers for medicare and medicaid services, the Katie Beckett program be composed of two (2) parts as described in subsections (b) and (c); provided, however, if the centers for medicare and medicaid services only approves one (1) part of the program, either Part A or Part B as described in subsections (b) and (c) respectively, then the approved part may be administered without the other part.

On motion, House Amendment No. 2 was adopted.

Rep. Whitson moved that **House Bill No. 498**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes ..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--96

A motion to reconsider was tabled.



**\*House Bill No. 316** -- Firefighters - As introduced, creates a presumption that certain conditions or impairments of full-time firefighters caused by certain cancers occurred in the course of employment unless the contrary is shown by competent medical evidence. - Amends TCA Title 7, Chapter 51, Part 2. by \*Hicks. (SB1442 by \*Bailey)

Rep. Hicks moved that House Bill No. 316 be passed on third and final consideration.

Rep. Crawford moved adoption of Local Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 316 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-51-201, is amended by adding the following as a new subsection:

(d)

(1) Whenever this state, any municipal corporation, or other political subdivision of the state that maintains a fire department has established or establishes any form of compensation to be paid to firefighters for any condition or impairment of health that results in loss of life or personal injury in the line of duty or course of employment, there is a presumption that any condition or impairment of health of firefighters caused by all forms of Non-Hodgkin's Lymphoma cancer, colon cancer, skin cancer, or multiple myeloma cancer resulting in hospitalization, medical treatment, or any disability, has arisen out of employment, unless the contrary is shown by competent medical evidence. Any such condition or impairment of health that results in death is presumed to be a loss of life in the line of duty, to have arisen out of employment, and to have been in the actual discharge of the duties of the firefighter's position, unless the contrary is shown by a physician board certified in oncology. Secondary employment or lifestyle habits may be considered when determining whether the presumption established in this subsection (d) applies.

(2)

(A) Any firefighter employed by a fire department before July 1, 2019, and desiring to utilize the presumption established in this subsection (d), must obtain a physical medical examination before July 1, 2020, and the examination must include a cancer screening that fails to reveal any evidence of the cancers listed in this subsection (d). Any firefighter employed by a fire department on or after July 1, 2019, and desiring to utilize the presumption established in this subsection (d) must successfully pass a pre-employment physical medical examination, and the examination must include a cancer screening that fails to reveal any evidence of the cancers listed in this subsection (d).

(B) In order to be eligible to utilize the presumption established in this subsection (d), a firefighter shall obtain annual physical medical examinations that include cancer screenings for the specific types of cancer listed in this subsection (d).

(C) Any physical medical examination required by this subsection (d) shall be paid by the employer's health benefits plan at no cost to the employee.

(3) In order to be eligible to utilize the presumption established in this subsection (d), a firefighter must have been exposed to heat, smoke, and fumes, or carcinogenic, poisonous, toxic, or chemical substances, while performing the duties of a firefighter in the firefighter's capacity as an employee and must have completed five (5) or more consecutive years in service with an eligible fire department. A firefighter may utilize the presumption established in this subsection (d) for up to five (5) years after the firefighter's most recent date of exposure as contemplated herein.

(4) As used in this subsection (d):

(A) "Firefighter" means any full-time, paid employee of a fire department of the state or a political subdivision of the state; and

(B) "Fire department" means a department recognized by the state fire marshal's office pursuant to the fire department recognition act, compiled in title 68, chapter 102, part 3, and manned by full-time, paid employees.

(5) This subsection (d) does not affect a person's rights under § 7-51-205 and does not limit any benefit in effect in the state.

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it.

On motion, Local Committee Amendment No. 1 was adopted.

Rep. Hicks moved that **House Bill No. 316**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 94  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell,

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Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--94

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 316** and have this statement entered in the Journal: Rep. Staples.

### REGULAR CALENDAR, CONTINUED

**House Bill No. 326** -- Taxes - As introduced, authorizes electronic transmission of the angel investor tax credit report by the Tennessee technology development corporation. - Amends TCA Title 67; Chapter 72 of the Public Acts of 2011; Chapter 193 of the Public Acts of 2017; Chapter 273 of the Public Acts of 2015; Chapter 452 of the Public Acts of 2017; Chapter 480 of the Public Acts of 2013; Chapter 530 of the Public Acts of 2009 and Chapter 602 of the Public Acts of 2007. by \*Hicks, \*Carter, \*Marsh, \*Tillis, \*Keisling, \*Ragan, \*Smith. (\*SB325 by \*Gardenhire, \*Kurita)

Rep. Hicks moved that House Bill No. 326 be passed on third and final consideration.

Rep. Lynn moved adoption of Finance, Ways, and Means Committee Amendment No. 1 as follows:

#### Amendment No. 1

AMEND House Bill No. 326 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-504, is amended by adding the following language as a new subsection:

(m) When reporting the local sales and use tax levied under part 7 of this chapter, out of state dealers shall provide sufficient information as prescribed by the commissioner to indicate the incorporated municipality or unincorporated area of a county into which the sale is shipped or delivered, even if the local tax rates of the municipality and unincorporated area of the county are the same.

SECTION 2. Tennessee Code Annotated, Section 67-6-702, is amended by deleting subsection (f) in its entirety.

SECTION 3. Tennessee Code Annotated, Section 67-6-710, is amended by deleting subsection (e) in its entirety.

SECTION 4. Tennessee Code Annotated, Section 67-6-712(a), is amended by adding the following language as a new subdivision (3) and designating the current subdivision (3) as subdivision (4):

(3) Any out-of-state dealer making sales to a customer within this state shall report to the department information as prescribed by the commissioner, and as required under § 67-6-504(m), that is sufficient for the commissioner to appropriately distribute revenue pursuant to subdivisions (a)(1) and (a)(2).

SECTION 5. Tennessee Code Annotated, Section 67-6-712, is amended by adding the following language as a new subsection:

(e) If any dealer fails to provide the department with the information required under § 67-6-504(m) and the department is unable to determine the proper distribution of local sales tax under subsection (a), the department shall distribute the local sales tax as follows:

(1) For taxes received by the department before July 1, 2021:

(A) The tax shall be distributed to the counties based on the ratio of local tax collections in the county under this section over total local tax collections in all counties under this section;

(B) The amount received by the county under subdivision (e)(1)(A) shall be distributed first as provided for in subdivision (a)(1). The remainder shall be distributed to each incorporated municipality in the county based on the ratio of local tax collections in the municipality to total local tax collections in the county and shall be distributed to the county based on the ratio of local tax collections in the unincorporated portions of the county to total local tax collections in the county;

(2) For taxes received by the department on or after July 1, 2021:

(A) The tax shall be distributed to the counties based on the ratio of local tax collections in the county from dealers with no location in this state that can be identified by situs over the total local tax collections in all counties from dealers with no location in this state that can be identified by situs;

(B) The amount received by the county under subdivision (e)(2)(A) shall be distributed first as provided for in subdivision (a)(1). The remainder shall be distributed to each incorporated municipality in the county based on the ratio of local tax collections in the municipality from dealers with no location in this state that can be identified by situs over the total local tax collections in the county from dealers with no location in this state that can be identified by situs and shall be distributed to the county based on the ratio of local tax collections in the unincorporated portions of the county from dealers with no

location in this state that can be identified by situs over the total local tax collections in the county from dealers with no location in this state that can be identified by situs;

(3) A county and a municipality may, by contract, provide for an alternative distribution for the amount not distributed under subdivision (a)(1).

SECTION 6. Section 169 of Chapter 602 of the Public Acts of 2007, is amended in the amendatory § 67-6-712 by deleting subsection (e) in the section and substituting instead the following:

(e) When local sales tax received by the department from a dealer with no location in this state cannot be identified to a particular situs, the revenues shall be distributed to the counties based on the ratio of local tax collections in the county from dealers with no location in this state that can be identified by situs over the total local tax collections in all counties from dealers with no location in this state that can be identified by situs. The amount received by the county under this subsection shall be distributed first as provided for in subdivision (a)(1). The remainder shall be distributed to each municipality in the county based on the ratio of local tax collections in the municipality from dealers with no location in this state that can be identified by situs over the total local tax collections in the county from dealers with no location in this state that can be identified by situs and shall be distributed to the county based on the ratio of local tax collections in the unincorporated portions of the county from dealers with no location in this state that can be identified by situs over the total local tax collections in the county from dealers with no location in this state that can be identified by situs.

SECTION 7. Section 174 of Chapter 602 of the Public Acts of 2007, is amended in the amendatory § 67-6-902 by adding the following subdivision (6) to subsection (a):

(6) Notwithstanding subdivisions (a)(1)-(5), when the product is sold from a location in this state and the purchaser instructs the seller to ship or deliver the product to another location within this state, the sale shall be sourced to the seller's location.

SECTION 8. This act shall take effect October 1, 2019, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1 was adopted.

Rep. Carr moved that House Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Carr moved that House Amendment No. 3 be withdrawn, which motion prevailed.

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Rep. Hicks moved that **House Bill No. 326**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--91

Representatives present and not voting were: Powers--1

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 326** and have this statement entered in the Journal: Rep. Staples.

### REGULAR CALENDAR, CONTIUNED

**\*House Bill No. 394** -- Sentencing - As introduced, clarifies that a person sentenced to life imprisonment for the offense of first degree murder between November 1, 1989, and July 1, 1995, is eligible for parole after service of a minimum of 25 calendar years and those similarly sentenced after July 1, 1995, must serve a minimum of 51 calendar years before being eligible for parole. - Amends TCA Title 4; Title 37; Title 38; Title 39; Title 40 and Title 41. by \*Garrett. (SB453 by \*Bell, \*Stevens)

Rep. Garrett moved that House Bill No. 394 be passed on third and final consideration.

Rep. Curcio requested that Judiciary Committee Amendment No. 1 be placed at the heel of the amendments.

Rep. Garrett moved adoption of House Amendment No. 2 as follows:

#### Amendment No. 2

AMEND House Bill No. 394 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-35-501(h), is amended by deleting the subsection and substituting instead the following:

(h)

(1) Release eligibility for a defendant committing the offense of first degree murder on or after November 1, 1989, but prior to July 1, 1995, who receives a sentence of imprisonment for life occurs after service of sixty percent (60%) of sixty (60) years less sentence credits earned and retained by the defendant, but in no event shall a defendant sentenced to imprisonment for life be eligible for parole until the defendant has served a minimum of twenty-five (25) full calendar years of the sentence, notwithstanding the governor's power to reduce prison overcrowding pursuant to title 41, chapter 1, part 5, any sentence reduction credits authorized by § 41-21-236, or any other provision of law relating to sentence credits.

(2) There shall be no release eligibility for a person committing first degree murder, on or after July 1, 1995, and receiving a sentence of imprisonment for life. The person shall serve one hundred percent (100%) of sixty (60) years less sentence credits earned and retained. However, no sentence reduction credits authorized by § 41-21-236 or any other law, shall operate to reduce the sentence imposed by the court by more than fifteen percent (15%).

(3) There shall be no release eligibility for a defendant receiving a sentence of imprisonment for life without possibility of parole for first degree murder.

SECTION 2. Tennessee Code Annotated, Section 40-35-501(i), is amended by deleting subdivision (i)(2)(A).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, House Amendment No. 2 was adopted.

Rep. Curcio moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 394 by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 40-11-150(i)(2), is amended by deleting the subdivision and substituting instead the following:

(2) A violation of a condition of release imposed pursuant to this section is a Class A misdemeanor. The person violating the condition of release shall be charged with the offense, and the bail of the person may be revoked by the court

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having jurisdiction over the condition of release. The venue for the new offense shall be in the county where the violation of a condition of release occurred.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Garrett moved that **House Bill No. 394**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	86
Noes.....	7
Present and not voting.....	1

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Clemmons, Cochran, Coley, Crawford, Curcio, DeBerry, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulse, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Mitchell, Moody, Moon, Ogles, Potts, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--86

Representatives voting no were: Cooper, Dixie, Hardaway, Lamar, Miller, Parkinson, Stewart--7

Representatives present and not voting were: Powell--1

A motion to reconsider was tabled.

**\*House Bill No. 407** -- Sexual Offenders - As introduced, extends the residential, work, and treatment restrictions on sexual offenders whose victims are minors from 1,000 feet to 2,000 feet from certain places where children are frequently present; prohibits a sexual offender from conducting overnight visit at a residence in which a minor resides or is present. - Amends TCA Title 40, Chapter 39. by \*Doggett, \*Griffey, \*Littleton, \*Smith, \*Helton, \*Ogles, \*Hardaway, \*Hazlewood. (SB425 by \*Hensley)

On motion, House Bill No. 407 was made to conform with **Senate Bill No. 425**; the Senate Bill was substituted for the House Bill.

Rep. Doggett moved that Senate Bill No. 425 be passed on third and final consideration.

Rep. Curcio moved that Judiciary Committee Amendment No. 1 be withdrawn, which motion prevailed.



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Rep. Doggett moved that **Senate Bill No. 425** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 92  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Cepicky, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--92

A motion to reconsider was tabled.

**House Bill No. 494** -- Taxes, Privilege - As introduced, eliminates the special privilege tax on ammunition. - Amends TCA Section 8-8-201 and Title 70, Chapter 3. by \*Doggett, \*Griffey, \*Holt, \*Hill M, \*Hall, \*Gant, \*Hill T, \*Sexton C, \*Lamberth, \*Eldridge, \*Van Huss, \*Crawford, \*Terry, \*Cepicky, \*Leatherwood, \*Haston, \*Bricken, \*Tillis, \*Todd, \*Moon, \*Ragan, \*Cochran, \*Powers, \*Faison, \*Sherrell, \*Byrd, \*Keisling, \*Windle, \*Freeman, \*Lafferty, \*Sexton J, \*Lynn, \*Weaver, \*Howell, \*Calfee, \*Littleton, \*Curcio, \*Hurt, \*Kumar. (\*SB423 by \*Hensley)

Rep. Doggett moved that House Bill No. 494 be passed on third and final consideration.

Rep. T. Hill moved the previous question, which motion prevailed.

Rep. Doggett moved that **House Bill No. 494** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 82  
Noes..... 13

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Cepicky, Chism, Cochran, Coley, Crawford, Curcio, Daniel, DeBerry, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Miller, Moody, Moon, Ogles, Parkinson, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--82

Representatives voting no were: Beck, Camper, Clemmons, Cooper, Dixie, Hardaway, Johnson G, Lamar, Mitchell, Potts, Powell, Stewart, Thompson--13

A motion to reconsider was tabled.

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**\*House Bill No. 1340** -- Criminal Offenses - As introduced, creates a Class A misdemeanor of violating a no contact order issued to a domestic violence victim as part of a disposition in any criminal court. - Amends TCA Section 39-13-113. by \*Doggett, \*Byrd, \*Griffey, \*Hall, \*Ramsey, \*Lamberth, \*Faison, \*Howell, \*Littleton, \*Towns, \*Van Huss, \*Parkinson, \*Sanderson, \*Daniel, \*Potts, \*Curcio, \*Ogles, \*Farmer, \*Haston, \*Thompson, \*Lynn, \*Moon, \*Freeman, \*Weaver, \*Carter, \*Hardaway, \*White, \*Coley, \*Crawford, \*Powers. (SB1163 by \*Hensley, \*White)

Rep. Doggett requested that **House Bill No. 1340** be moved to the heel of the Calendar, which motion prevailed.

**\*House Bill No. 502** -- Criminal Offenses - As introduced, enhances the penalty for destruction or alteration of governmental records from a Class A misdemeanor to a Class E felony. - Amends TCA Title 39. by \*Eldridge, \*Hardaway, \*Helton. (SB911 by \*Southerland)

Rep. Eldridge moved that **House Bill No. 502** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	87
Noes.....	8
Present and not voting.....	1

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Clemmons, Cochran, Coley, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powers, Ragan, Ramsey, Reedy, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Thompson, Tillis, Todd, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--87

Representatives voting no were: Chism, Cooper, Johnson G, Lamar, Miller, Powell, Stewart, Towns--8

Representatives present and not voting were: Rudd--1

A motion to reconsider was tabled.

**\*House Bill No. 551** -- Tennessee Emergency Management Agency (TEMA) - As introduced, enacts the "Facilitating Business Rapid Response to State Declared Disaster Act." - Amends TCA Title 58; Title 62; Title 67 and Title 68. by \*Hazlewood, \*Hill T, \*Marsh, \*Lynn, \*Holt, \*Wright, \*Carr, \*DeBerry, \*Camper, \*Powell, \*Shaw, \*Beck, \*Ramsey, \*Love, \*Staples, \*Littleton, \*Tillis, \*Griffey, \*Hardaway, \*Smith. (SB624 by \*Watson, \*Dickerson, \*Reeves, \*White, \*Yager, \*Gilmore, \*Yarbro)

On motion, House Bill No. 551 was made to conform with **Senate Bill No. 624**; the Senate Bill was substituted for the House Bill.

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Rep. Hazlewood moved that Senate Bill No. 624 be passed on third and final consideration.

Rep. Keisling moved adoption of State Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 624 by deleting all language after the caption and substituting instead the following:

WHEREAS, the General Assembly finds that facilitating rapid response by the state's critical infrastructure companies is an integral component of Tennessee's effective preparation and rapid response to any proclaimed state of emergency; and

WHEREAS, these companies often must temporarily bring into the State resources, property, and personnel from other states that previously have had no connection to the State to expedite the often enormous and overwhelming task of restoring and repairing communications facilities and other critical infrastructure facilities in the State; and

WHEREAS, during such time of operating in the State on a temporary basis solely for purposes of helping the State recover from the proclaimed state of emergency, the General Assembly finds these companies and their individual employees should not be burdened by taxes, registrations, licensing, or any other "regular course of business" requirements as a result of such activities, consistent with the intent of Tennessee Code Annotated, Section 58-2-102 and the treatment afforded to out-of-state resources and workers temporarily in the State under Tennessee Code Annotated, Section 58-2-403; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 58, Chapter 2, is amended by adding the following new part:

**58-2-901.**

This part shall be known and may be cited as the "Facilitating Business Rapid Response to State-Declared Disaster Act."

**58-2-902.**

As used in this part:

(1) "Critical infrastructure" means real and personal property and equipment, including, but not limited to, buildings, offices, lines, poles, pipes, structures, and equipment that:

(A) Is owned or used by or for telecommunications service networks, mobile telecommunications service networks, internet access service networks, video programming service networks,

direct-to-home satellite television programming service facilities, electric generation, transmission and distribution systems, gas distribution systems, fuel supply systems, including such systems for gasoline, diesel, biodiesel, heating fuel, jet fuel, and propane, water pipelines, and related support facilities; and

(B) Services multiple customers or citizens;

(2) "Disaster" has the same meaning as defined in § 58-2-101;

(3) "Disaster or emergency related work" means:

(A) Repairing, renovating, installing, building, and rendering services or other business activities that relate to critical infrastructure that has been damaged, impaired, or destroyed during a disaster or emergency; and

(B) Any activities conducted in good faith before a potential disaster or emergency to prepare for the provision of the work described in subdivision (2)(A);

(4) "Disaster response period" means the period that begins ten (10) days before the date of the earliest event establishing a disaster or emergency and that ends one hundred twenty (120) days thereafter, or such later date as may be set by the governor or president of the United States;

(5) "Emergency" has the same meaning as defined in § 58-2-101;

(6) "Licensed business" means a business entity that is currently licensed to do business in this state;

(7) "Responding out-of-state business" means a business entity that, except for work related to a disaster or emergency, has no presence in this state, conducts no business in this state, and whose services are requested by a licensed business or by this state or a local government for purposes of performing disaster or emergency related work in this state, including, but not limited to, a business entity that is affiliated with a licensed business solely through common ownership and otherwise meets this definition of a responding out-of-state business; and

(8) "Responding out-of-state employee" means an employee of a responding out-of-state business or licensed business who does not work in this state, except for disaster or emergency related work.

**58-2-903.**

(a) Notwithstanding any law to the contrary, responding out-of-state businesses and responding out-of-state employees shall pay the following

transaction taxes and fees, when the tax or fee is determined, collected, remitted, and reported by others duly registered and required to collect such taxes and fees:

- (1) Fuel excise taxes imposed under title 67, chapter 3;
- (2) State and local sales and use taxes imposed under title 67, chapter 6;
- (3) Local hotel occupancy taxes imposed under title 67, chapter 4, part 14;
- (4) Taxes imposed on the purchase or consumption of alcoholic beverages and beer under title 57; and
- (5) Any other transaction tax or fee assessed, collected, or imposed on specific transactions or activities in the usual course of business without imposing any obligation on a responding out-of-state business or responding out-of-state employee to register, file a return, or otherwise self-report and remit the tax or fee due.

(b) Notwithstanding any law to the contrary, tangible personal property of a responding out-of-state business, upon being installed or affixed to real property within this state, sold or transferred to in-state persons, or otherwise coming to rest and acquiring situs within this state, is subject to use tax, ad valorem tax, and any other tax imposed directly or indirectly on such property.

(c) This part does not limit or otherwise alter or amend the power of a court to exercise personal or in rem jurisdiction over responding out-of-state businesses, responding out-of-state employees, or their property; provided, that such jurisdiction must not be used as a basis to impose a tax, fee, or other obligation contrary to this part.

(d) This part does not confer immunity from criminal prosecution in a court of this state.

**58-2-904.**

(a) A responding out-of-state employee:

- (1) Must not be considered to have established residency or a presence in this state that would require the employee or the employee's employer to administer, file, or pay taxes or fees or to be subjected to pay any other state or local tax or fee, except as expressly provided for in this part; and
- (2) When holding a license, certificate, or other permit issued by the state of the employee's permanent residence or any other state as evidence that the employee is qualified to perform professional,

mechanical, or other services, must be deemed licensed, certified, or permitted by this state to render disaster or emergency related work involving such professional, mechanical, or other services and must not be required to register, report, or pay any tax or fee related to such licensure, certification, or permitting in this state.

(b) A responding out-of-state business does not establish a level of presence during a disaster response period that would require the business to register, file, or remit state or local taxes or that would subject that business to any state licensing or registration requirements.

(c) Except as otherwise provided in this part, the protections afforded by this section must be interpreted broadly to relieve a responding out-of-state business and a responding out-of-state employee from any obligation to provide, require, or remit documentation, registration, taxes, fees, or other submissions or filings with this state or its political subdivisions, including, but not limited to, the following:

(1) Unemployment insurance;

(2) State and local occupational licensing fees;

(3) Registration for state and local sales and use tax, imposed by title 67, chapter 6, or any requirement to collect tax, file returns, or otherwise self-report or remit any sales or use tax to this state as a result of or in relation to any disaster or emergency related work;

(4) Any registration or regulation of businesses or public utilities by the secretary of state, public utilities commission, or any other agency or instrumentality of this state; and

(5) The franchise and excise tax imposed by title 67, chapter 4, parts 20 and 21, the business tax imposed by title 67, chapter 4, part 7, and any other state or local tax on or measured by, in whole or in part, net or gross income or receipts, so that all disaster or emergency related work of the responding out-of-state business that is conducted in this state must be disregarded with respect to any filing requirements for such tax, including the filing required for a unitary or combined group of which the responding out-of-state business may be a part. If an affiliate of a responding out-of-state business is required to file a combined or consolidated return, the responding out-of-state business's income, revenue, or receipts from disaster or emergency related work in this state must not be sourced to this state and must not otherwise impact or increase the amount of income, revenue, or receipts apportioned to this state.

**58-2-905.**

After a disaster response period, if a responding out-of-state business or a responding out-of-state employee remains in this state:

(1) Such business or individual loses the protections of this part;  
and

(2) For purposes of computing franchise and excise tax imposed by title 67, chapter 4, parts 20 and 21, and the business tax imposed by title 67, chapter 4, part 7, the computation must include in the tax base net or gross income or receipts from activities transacted during the disaster response period.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, State Committee Amendment No. 1 was adopted.

Rep. Hazlewood moved that **Senate Bill No. 624**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 94  
Noes ..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--94

A motion to reconsider was tabled.

**House Bill No. 620** -- Taxes, Sales - As introduced, requires that costs incurred in connection with a border region retail tourism development district are deemed approved if the commissioner of revenue has not made an apportionment of sales tax revenue within 90 days of the end of the fiscal year for payment of the costs; makes other related revisions to the Border Region Retail Tourism Development District Act. - Amends TCA Title 7, Chapter 40. by \*Hulsey. (\*SB537 by \*Lundberg, \*Crowe)

Rep. Hulsey moved that House Bill No. 620 be passed on third and final consideration.

Rep. Crawford moved adoption of Local Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 620 by deleting subdivision (1) in Section 1 and substituting instead the following:

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(1) The cost includes development of portions of the district or business in the district, or both, that do not, by themselves, generate state sales and use tax revenue, visitors, or sufficient state sales and use tax revenue, by themselves, to meet the standards set forth in § 7-40-103(7), including a retail store, or series of stores, or other attractions or facilities open to the public, that do not or will not, by themselves, generate state sales and use tax revenue; or

**AND FURTHER AMEND** by deleting Sections 7, 8, and 9 and redesignating the subsequent sections accordingly.

On motion, Local Committee Amendment No. 1 was adopted.

Rep. Hulseley moved that **House Bill No. 620**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 94  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Howell, Hulseley, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--94

A motion to reconsider was tabled.

**\*House Bill No. 664** -- Education - As introduced, requires students expelled in grades seven through 12 to attend alternative school; requires a governing body of a public charter school to establish an alternative educational setting for students suspended from the regular school program; prohibits a charter school from expelling a student from school attendance until after the student has been placed in an alternative educational setting. - Amends TCA Title 49, Chapter 13 and Title 49, Chapter 6. by \*Parkinson, \*Camper, \*Freeman, \*Lamar, \*Dixie, \*Hardaway, \*Staples, \*Helton. (SB604 by \*Robinson)

Rep. Parkinson moved that House Bill No. 664 be passed on third and final consideration.

Rep. White moved that Education Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Lynn moved adoption of Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:



**Amendment No. 2**

AMEND House Bill No. 664 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-3402, is amended by deleting the section and substituting instead the following:

(a) Local boards of education may establish alternative schools for students in grades one through six (1-6) who have been suspended or expelled from the regular school program. At least one (1) alternative school or alternative program shall be established and available for students in grades seven through twelve (7-12) who have been suspended or expelled as provided in this part. In providing alternative schools, any two (2) or more boards may join together and establish a school attended by students of any such school system; furthermore, any board may, by mutually acceptable agreement with another board, send its suspended or expelled students to any alternative school already in operation.

(b) Alternative schools and alternative programs shall be operated pursuant to rules of the state board of education pertaining to them, and instruction shall proceed as nearly as practicable in accordance with the instructional programs at the student's home school. All course work completed and credits earned in alternative schools or alternative programs shall be transferred to and recorded in the student's home school, which shall grant credit earned and progress thereon as if earned in the home school.

(c) Students in grades seven through twelve (7-12) who have been suspended or expelled from the regular school program must be assigned to an alternative school or alternative program if there is space and staff available. Attendance in an alternative school shall be voluntary for students in grades one through six (1-6) who have been suspended or expelled from the regular school program unless the local board of education adopts a policy mandating attendance in either instance. The student shall be subject to all rules pertaining thereto. A violation of the rules by a student may result in the student's removal from this school for the duration of the original suspension or expulsion, but shall not constitute grounds for any extension of the original suspension or expulsion. The final decision on removal shall be made by the chief administrator of the alternative school.

(d) Any student attending an alternative school shall continue to earn state education funds in the student's home school system and shall be counted for all school purposes by that system as if still in attendance there.

(e) A pupil who has been properly found to be eligible for special education and related services shall be placed and served in accordance with the laws and rules relating to special education.

(f)

(1) The state board of education, in its rules and regulations for the operation of alternative schools, shall require documentation of the reasons for a student attending an alternative school and provide safeguards to assure that no child with disabilities or other special student is arbitrarily placed in an alternative school. The state board of education, in its rules and regulations, shall require that all alternative school classrooms have working two-way communication systems making it possible for teachers or other employees to notify a principal, supervisor or other administrator that there is an emergency. Teachers and other employees shall be notified of emergency procedures prior to the beginning of classes for any school year.

(2) The state board of education shall provide a curriculum for alternative schools to ensure students receive specialized attention needed to maximize student success. Alternative schools shall offer alternative learning environments in which students are offered a variety of educational opportunities, such as learning at different rates of time or utilizing different, but successful, learning strategies, techniques and tools.

(g) Notwithstanding this section or other law to the contrary, local boards of education may establish evening alternative schools for students in grades six through twelve (6-12).

(h)

(1) LEAs establishing alternative schools or contracting for the operation of alternative schools shall develop and implement formal transition plans for the integration of students from regular schools to alternative schools and from alternative schools to regular schools. The plans shall be targeted to improve communication between regular and alternative school staff, provide professional development opportunities shared by regular school staff and alternative school staff, align curricula between regular schools and alternative schools, develop quality in-take procedures for students returning to regular school and provide student follow-up upon return to regular school.

(2) The state board of education shall adopt policies or guidelines to assist LEAs in developing transition plans.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Lynn moved adoption of Finance, Ways, and Means Committee Amendment No. 2, as House Amendment No. 3, as follows:

**Amendment No. 3**

AMEND House Bill No. 664 by deleting the language "Attendance in an alternative school shall be voluntary" in subsection (c) in the amendatory language of Section 1 and substituting instead the language "Attendance in an alternative school or alternative program shall be voluntary".

On motion, Finance, Ways, and Means Committee Amendment No. 2, as House Amendment No. 3 was adopted.

Rep. Hazlewood moved the previous question, which motion prevailed.

Rep. Parkinson moved that **House Bill No. 664**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	88
Noes.....	3
Present and not voting.....	2

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Curcio, Daniel, DeBerry, Dixie, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Rudd, Rudder, Sexton C, Sexton J, Shaw, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Windle, Zachary, Mr. Speaker Casada--88

Representatives voting no were: Reedy, Sanderson, Sherrell--3

Representatives present and not voting were: Crawford, Doggett--2

A motion to reconsider was tabled.

**House Bill No. 714 -- Driver Licenses -** As introduced, authorizes the commissioner of safety to issue farm-related service industry employee restricted commercial driver licenses to persons who meet certain qualifications. - Amends TCA Title 43 and Title 55. by \*Moody, \*Hill T, \*Griffey, \*Tillis, \*Todd, \*Hurt, \*Keisling, \*Leatherwood, \*Shaw, \*Windle, \*Littleton, \*Sherrell, \*Halford, \*Lynn, \*Hardaway, \*Ogles, \*Camper. (\*SB517 by \*Niceley)

Rep. Moody moved that House Bill No. 714 be passed on third and final consideration.

Rep. Howell moved adoption of Transportation Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 714 by deleting the effective date section and substituting instead the following:

SECTION \_\_\_. For the purpose of promulgating rules, forms, and procedures and making necessary provisions for the implementation of this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect thirty (30) days after the date upon which the commissioner of safety provides written notification to the secretary of state and the executive secretary of the Tennessee code commission that the department of safety's "A-list" driver license program is capable of implementing this act, or it shall take effect on January 1, 2020, whichever is earlier, the public welfare requiring it. The commissioner shall cause such notification to be published on the website of the department contemporaneously with delivery to the secretary of state and the executive secretary of the Tennessee code commission.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Moody moved that **House Bill No. 714**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Windle, Zachary, Mr. Speaker Casada--95

A motion to reconsider was tabled.

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

**\*House Bill No. 745** -- Scholarships and Financial Aid - As introduced, increases, from \$600 to \$1,000, the amount of a Tennessee middle college scholarship awarded each semester to an eligible student for full-time attendance. - Amends TCA Title 49, Chapter 4, Part 9. by \*Powers, \*Ragan, \*Hardaway, \*Camper, \*Helton, \*Haston, \*Lamberth. (SB1379 by \*Yager)

Rep. Powers moved that **House Bill No. 745** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes.....	0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--95

A motion to reconsider was tabled.

**\*House Bill No. 776** -- Local Education Agencies - As introduced, requires, rather than encourages, all public middle and elementary schools to place one or more automated external defibrillator (AED) devices within the school. - Amends TCA Title 49 and Title 68, Chapter 140, Part 4. by \*Ramsey, \*Moon, \*Wright, \*Crawford, \*Hardaway, \*Helton, \*Thompson, \*Lynn, \*Hazlewood, \*Sexton J, \*Beck, \*Towns, \*Powers. (SB1135 by \*Swann, \*Watson)

On motion, House Bill No. 776 was made to conform with **Senate Bill No. 1135**; the Senate Bill was substituted for the House Bill.

Rep. Ramsey moved that **Senate Bill No. 1135** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes.....	0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lamar, Lamberth, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moon, Ogles, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--91

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Senate Bill No. 1135** and have this statement entered in the Journal: Rep. Lafferty.

REGULAR CALENDAR, CONTINUED

**\*House Bill No. 779** -- Taxes, Sales - As introduced, increases, from \$100,000 to \$200,000, the maximum amount of annual sales that charitable entities whose primary purpose is fundraising in support of a city, county, or metropolitan library system may make to be excluded from the definition of "business" for sales tax purposes; authorizes such entities to make sales during temporary sales periods that occur no more than four times per calendar year. - Amends TCA Section 67-6-102. by \*Ramsey, \*Whitson, \*Moon, \*Helton, \*Wright, \*Thompson. (SB1137 by \*Swann, \*Yager)

On motion, House Bill No. 779 was made to conform with **Senate Bill No. 1137**; the Senate Bill was substituted for the House Bill.

Rep. Ramsey moved that Senate Bill No. 1137 be passed on third and final consideration.

Rep. Lynn moved that Finance, Ways and Means Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Ramsey moved that **Senate Bill No. 1137** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 91  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Freeman, Gant, Garrett, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moon, Ogles, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--91

A motion to reconsider was tabled.

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

**\*House Bill No. 797** -- Licenses - As introduced, requires the Tennessee auctioneer commission to post the names of persons whose licenses have been suspended, revoked, or not renewed as a result of fraud and other violations. - Amends TCA Title 35, Chapter 5; Title 55, Chapter 17, Part 1 and Title 62, Chapter 19. by \*Vaughan, \*Carr, \*Gant, \*Powers. (SB1361 by \*Yager)

Rep. Vaughan moved that House Bill No. 797 be passed on third and final consideration.

Rep. T. Hill moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 797 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 35-5-109, is amended by deleting the section and substituting instead the following:

The published ending time for auctions conducted under this chapter on an internet-based bidding platform and the published start time for an in-person auction must be between the hours of nine o'clock a.m. (9:00 a.m.) and seven o'clock p.m. (7:00 p.m.) of the day fixed in the notice or advertisement. The day fixed may be any day Monday through Saturday, but must not be fixed on a state or federal legal holiday. However, this section does not apply to sales of parcels pursuant to title 67, chapter 5.

SECTION 2. Tennessee Code Annotated, Section 35-5-112(b), is amended by deleting the subsection and substituting instead the following:

(b) Whenever real property is sold at a public sale conducted by an auctioneer, the manner and method of sale is at the discretion of the court. As used in this section, "public sale" includes auctions on internet-based bidding platforms, in-person, on-site, or off-site auctions, and other accepted auction methods, so long as the auctions are open for participation by the public at large. The court, in its discretion, may impose additional conditions or procedures upon the sale of property as are reasonably necessary.

SECTION 3. Tennessee Code Annotated, Section 55-17-120, is amended by adding the following as a new subsection:

When motor vehicles are sold incidentally at a bona fide going-out-of-business sale, no license as a motor vehicle dealer is required to sell the vehicles at auction if:

(1) All vehicles for sale were owned and titled in the name of the business for at least one (1) year prior to the going-out-of-business sale;

(2) The auctioneer gives a fourteen-day prior written notification to the motor vehicle commission providing the time and place of the sale and a list of items to be sold; and

(3) The sale does not violate the Tennessee Consumer Protection Act of 1977, compiled in title 47, chapter 18, part 1.

SECTION 4. Tennessee Code Annotated, Section 62-19-101, is amended by deleting the section and substituting instead the following:

As used in this chapter:

(1) "Affiliate auctioneer" means an individual who, for compensation or valuable consideration, or otherwise, is employed, directly or indirectly, by a principal auctioneer to deal or engage in any activity described in subdivision (9);

(2) "Auction" means a sales transaction conducted by oral, written, or electronic exchange between an auctioneer and members of the audience, consisting of a series of invitations by the auctioneer for offers to members of the audience to purchase goods or real estate, culminating in the acceptance by the auctioneer of the highest or most favorable offer made by a member of the participating audience;

(3) "Auctioneer" means a principal auctioneer, bid caller auctioneer, or public automobile auctioneer;

(4) "Bid caller auctioneer" means an individual who, for compensation or valuable consideration, or otherwise, is hired by a principal auctioneer, public automobile auction, or public automobile auctioneer to solicit bids for the purchase of goods at an auction;

(5) "Commission" means the Tennessee auctioneer commission;

(6) "Continuing education" means six (6) hours each renewal period;

(7) "Goods" means chattels, merchandise, real or personal property, or commodities of any form or type that may lawfully be kept or offered for sale;

(8) "Person" includes an individual, association, partnership, corporation, and the officers, directors, and employees of a corporation;

(9) "Principal auctioneer" means an individual who, for a fee, commission, or any other valuable consideration, or with the intention or expectation of receiving a fee, commission, or any other valuable consideration by the means or process of auction or sale at auction, offers and executes a listing contract, sale, purchase, or exchange of goods, and is responsible for the management and supervision of an auction company, including its wholly owned subsidiary or affiliate company;



(10) "Public automobile auction" means offering motor vehicles for sale to the highest bidder, where buyers are members of the public, by a motor vehicle dealer licensed to sell used motor vehicles and licensed as a public automobile auctioneer by the commission. However, no public automobile auction may otherwise limit the auctioning of used motor vehicles exclusively to licensed motor vehicle dealers or their duly authorized agents;

(11) "Public automobile auctioneer" means an individual who, for a fee, commission, or any other valuable consideration, or with the intention or expectation of receiving a fee, commission, or any other valuable consideration at an auction or sale at auction, offers, negotiates, or attempts to negotiate a listing contract, sale, purchase, or exchange of goods, including motor vehicles; and

(12) "Timed listing" means offering goods for sale with a fixed ending time and date that does not extend based on bidding activity.

SECTION 5. Tennessee Code Annotated, Section 62-19-102, is amended by deleting the section and substituting instead the following:

(a) It is unlawful for a person to:

(1) Act as, advertise as, or represent to be an auctioneer without holding a valid license issued by the commission;

(2) Conduct or offer to conduct an auction of real property unless the person is duly licensed as an auctioneer or affiliate auctioneer and as a broker or affiliate broker under chapter 13 of this title. However, with respect to the authority of an affiliate auctioneer to conduct or offer to conduct an auction of real property, the auctioneer for whom the affiliate auctioneer is employed for such purposes must be on the premises of the property during the auction. This subdivision (a)(2) does not require ringpersons or other persons not vocally conducting an auction to be duly licensed as auctioneers, nor duly licensed under chapter 13 of this title, unless the ringpersons or other persons act as an affiliate broker or broker within the meaning of chapter 13 of this title; or

(3) Act as, advertise as, or represent to be a public automobile auctioneer unless the person is duly licensed as a public automobile auctioneer and as a motor vehicle dealer under title 55, chapter 17, part 1.

(b) All auctions arranged by or through a principal auctioneer must be conducted exclusively by individuals licensed under this chapter.

SECTION 6. Tennessee Code Annotated, Section 62-19-103, is amended by deleting the section and substituting instead the following:

This chapter does not apply to:

(1) A person acting as a receiver, trustee in bankruptcy, guardian, administrator, executor, or other person acting under order of a court;

(2) A trustee acting under a trust agreement, deed of trust or will, or a secured party selling collateral after default by a debtor in accordance with title 47, chapter 9;

(3) An auction conducted by or under the direction of a governmental entity or pursuant to a judicial order or decree;

(4) An auction conducted by or on behalf of a political party, church, or charitable corporation or association, if the individual conducting the sale receives no compensation and does not, by advertising or otherwise, hold their self out as available to engage in the sale of goods at auction;

(5) A person performing acts in the regular course of or as an incident to the management of and investment in property owned or leased by the person, if the property was not acquired for the purpose of resale. When a sales tax, as prescribed in title 67, is not levied upon the sale of personal property, there is a presumption that the personal property was purchased for the purpose of resale;

(6) An auction conducted for the sale of livestock sponsored through or in cooperation with the state department of agriculture or the University of Tennessee extension, or both;

(7) An auction sale of tobacco at or for a warehouse operated pursuant to title 43, chapter 19;

(8) A livestock auction sale regulated by the United States department of agriculture packers and stockyards administration, if the sale uses:

(A) The shipper's proceeds account required by federal regulations; and

(B) An auctioneer licensed under this chapter;

(9) Any fixed price or timed listings that allow bidding on an internet website, but do not constitute a simulcast of a live auction;

(10) An exclusive online auction whose primary business activity is selling nonrepairable or salvage vehicles in this state and holds the appropriate license issued by the Tennessee motor vehicle commission;

(11) An in-person or simulcast auction whose primary business activity is selling nonrepairable or salvage vehicles in this state, and holds

the appropriate license issued by the Tennessee motor vehicle commission and that uses a licensed auctioneer; and

(12) An individual who generates less than ten thousand dollars (\$10,000) in revenue a calendar year from the sale of property in online auctions.

SECTION 7. Tennessee Code Annotated, Sections 62-19-104, 62-19-119, 62-19-120, and 62-19-124 are amended by deleting the word "apprentice" wherever it appears and substituting instead the word "affiliate".

SECTION 8. Tennessee Code Annotated, Section 62-19-106(e)(2), is amended by adding the following as a new subdivision:

The auctioneer holds only a bid caller license.

SECTION 9. Tennessee Code Annotated, Section 62-19-106(e), is amended by deleting subdivision (3) and substituting instead the following:

(3) No affiliate auctioneer is exempt from continuing education requirements.

SECTION 10. Tennessee Code Annotated, Section 62-19-111, is amended by deleting the section and substituting instead the following:

(a)

(1) An individual applying for a license as a bid caller auctioneer must submit an application to the commission on the prescribed form. The application must be accompanied by satisfactory proof that the applicant:

(A) Is at least eighteen (18) years of age; and

(B) Has successfully completed sixteen (16) hours of classroom or online instruction on the basic fundamentals of auctioneering at an auction school accredited by the commission; and

(2) Auction chant instruction is optional and is not to be included in the basic fundamentals of auctioneering, nor may auction chant instruction be completed online.

(b) An individual applying for a license as an affiliate auctioneer must submit an application to the commission on the prescribed form. The application must be accompanied by a nonrefundable examination fee as set by the commission and must prove that the applicant:

(1) Is at least eighteen (18) years of age; and

(2) Has successfully completed, in addition to the education requirements under subdivision (a)(1)(B), thirty-four (34) hours of classroom or online instruction in the fundamentals of auctioneering at an auction school accredited by the commission.

(c) An individual applying for a license as a principal auctioneer must submit an application to the commission on the prescribed form. The application must be accompanied by a nonrefundable examination fee as set by the commission and must prove that the applicant:

(1) Is at least eighteen (18) years of age;

(2) Has served as an affiliate auctioneer under the supervision of a licensed, full-time principal or public automobile auctioneer for a period of six (6) months; and

(3) Has obtained a high school diploma, general equivalency diploma (GED), or HiSET® diploma.

(d) The commission may require other proof as necessary, through the application or otherwise, to assess the honesty, trustworthiness, integrity, reputation, and competency of the auctioneer applicant.

(e) An individual who meets the requirements of subsections (b)-(d) may take an examination prescribed by the commission to determine the individual's qualifications. The examination must include, but not be limited to, reading, writing, spelling, elementary arithmetic, elementary principles of land economics, ethics, the law of this state relating to bulk sales, auctions and brokerage, and the provisions of this chapter. The examination for a principal auctioneer's license must be more specific in nature and scope than the examination for an affiliate auctioneer's license.

(f) An applicant who fails an examination shall pay a fee as set by the commission for each reexamination.

(g) The commission shall issue a license and pocket card, upon receipt of the appropriate fee as set by the commission, to an applicant who meets the requirements for licensure under this chapter. The license must be conspicuously displayed at all times in the office of the licensee.

(h) Except as provided in § 62-19-117, every auctioneer licensed under this chapter shall maintain a place of business in this state. A bid caller licensee may list their home address as their place of business with the commission.

(i) All licenses issued by the commission expire two (2) years from the original date the license was issued. Each license must be renewed on or before its expiration date.

(j) If a licensee fails to renew a license on or before its expiration date, the commission may, in its discretion, renew the license upon application within

two (2) months of the expiration date. The application must be accompanied by the prescribed fee and payment of a monetary penalty as set by the commission. A person seeking to renew a license later than two (2) months after its expiration must reapply for licensure. The commission may, in its discretion:

(1) Waive reexamination or additional education requirements for the applicant; or

(2) Reinstate a license subject to the applicant's compliance with reasonable conditions that the commission may prescribe, including payment of an additional reasonable fee to be set by the commission.

(k) When fees are remitted by mail to the commission, the date of payment is determined by the official postmark of the mail.

(l) When an affiliate auctioneer's employment with an auctioneer is terminated for any reason, the auctioneer shall immediately deliver, or send by registered mail, the affiliate auctioneer's license to the commission. The affiliate auctioneer shall not engage in the business of an auctioneer until the affiliate auctioneer receives a new license and pocket card for the unexpired term bearing the name and address of the new employer. The fee for the new license and pocket card is set by the commission.

(m) No more than one (1) license may be issued to an affiliate auctioneer to be in effect at any one (1) time.

(n) No license issued by the commission may authorize the licensee to engage in business at a location other than what is stated on the license. A licensee shall immediately notify the commission in writing in the event of a change of business location. The written notice must be accompanied by the current license and pocket card and a fee as set by the commission.

(o) Auctions for the sale of registered livestock must be conducted by a licensed auctioneer. The auctioneer is exempt from issuing closing statements and disbursing funds if such responsibilities are performed by a duly chartered livestock association or livestock breed association.

(p) An affiliate auctioneer may be employed by a licensed auctioneer who is not designated as the affiliate's sponsor upon receiving written permission from the affiliate's sponsor and notifying the commission of the employment in the proper form and manner as prescribed by rules promulgated by the commission. An auctioneer employing an affiliate who is not under the auctioneer's sponsorship is responsible for the actions of the affiliate while under that auctioneer's employment. The sponsor is responsible for the actions of the affiliate at all other times.

(q) The commission may deny an applicant for an affiliate auctioneer or auctioneer the right to take an examination for a period of up to two (2) years if the applicant is found by the commission to have conducted business within this state as an affiliate auctioneer or auctioneer without being licensed.

(r) An individual applying for a license as a public automobile auctioneer must submit an application to the commission on the prescribed form. The application must be accompanied by a nonrefundable examination fee as set by the commission and satisfactory proof that the applicant:

- (1) Is at least twenty-one (21) years of age;
- (2) Has served as a principal auctioneer for a period of two (2) years; and
- (3) Has successfully completed, in addition to the education required by subdivision (b)(2), fifteen (15) hours of more rigorous classroom or online instruction in automobile auctioneering as approved by the commission.

(s) An individual who receives a public automobile auctioneer license may exercise all activities authorized under a principal auctioneer license or bid caller license without having to meet additional licensure requirements.

SECTION 11. Tennessee Code Annotated, Section 62-19-112, is amended by deleting the word "apprentice" wherever it appears and substituting instead the word "affiliate".

SECTION 12. Tennessee Code Annotated, Section 62-19-112(b)(1), is amended by adding the following language before the semicolon:

including, but not limited to, individuals licensed solely as bid caller auctioneers who hold themselves out to others as principal auctioneers or public automobile auctioneers

SECTION 13. Tennessee Code Annotated, Section 62-19-112(b), is amended by adding the following as a new subdivision:

Negotiating or executing an auction contract to sell goods, take possession of seller assets, or take possession of auction proceeds as a bid caller auctioneer licensee.

SECTION 14. Tennessee Code Annotated, Section 62-19-115, is amended by designating the existing language as subsection (a) and adding the following as a new subsection (b):

A principal auctioneer may sponsor an affiliate auctioneer after one (1) year of licensure. There is no limit as to how many affiliate auctioneers a principal auctioneer or public automobile auctioneer may sponsor.

SECTION 15. Tennessee Code Annotated, Section 62-19-116, is amended by deleting the language "apprentice auctioneer or firm" wherever it appears and substituting instead the language "or affiliate auctioneer".

SECTION 16. Tennessee Code Annotated, Section 62-19-116, is amended by deleting the word "apprentice" wherever it appears and substituting instead the word "affiliate".

SECTION 17. Tennessee Code Annotated, Section 62-19-117, is amended by deleting the word "apprentice" wherever it appears and substituting instead the word "affiliate".

SECTION 18. Tennessee Code Annotated, Section 62-19-117(c), is amended by deleting the language "shall obtain a firm license as provided in § 62-19-111 and".

SECTION 19. Tennessee Code Annotated, Section 62-19-125, is amended by deleting the section in its entirety.

SECTION 20. Tennessee Code Annotated, Section 62-19-128, is amended by adding the following as a new subsection:

The public automobile auction may hire a licensed auctioneer to solicit bids at an auction.

SECTION 21. This act shall take effect July 1, 2019, the public welfare requiring it.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Daniel moved adoption of House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 797 by deleting the language "ten thousand dollars (\$10,000)" in subdivision (12) of SECTION 6 and substituting instead the language "twenty-five thousand dollars (\$25,000)".

On motion, House Amendment No. 2 was adopted.

Rep. Vaughan moved that **House Bill No. 797**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moon, Ogles, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Thompson, Tillis, Todd, Towns,

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Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--93

A motion to reconsider was tabled.

**CHAIR TO DUNN**

Mr. Speaker Casada relinquished the Chair to Rep. Dunn, Speaker Pro Tempore.

**REGULAR CALENDAR, CONTIUNED**

**\*House Bill No. 907** -- Taxes, Sales - As introduced, extends the period, from six months to one year, that a county or city that held an election on a resolution or ordinance levying a local option sales and use tax that was rejected is prohibited from holding another election on such tax. - Amends TCA Title 67, Chapter 6. by \*Freeman. (SB1094 by \*Dickerson)

Rep. Freeman moved that House Bill No. 907 be passed on third and final consideration.

Rep. Crawford moved adoption of Local Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 907 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-712(c)(1)(A), is amended by adding the phrase, "soccer (Major League Soccer)," after the phrase "(National Basketball Association)" and before the phrase "or major or minor league professional hockey."

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Local Committee Amendment No. 1 was adopted.

Rep. Freeman moved that **House Bill No. 907**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	84
Noes.....	3
Present and not voting.....	4

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Calfee, Camper, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, Dixie, Dunn, Eldridge, Faison, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moon, Ogles, Potts, Powell, Powers, Ragan,



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Ramsey, Reedy, Rudder, Sanderson, Sexton C, Shaw, Sherrell, Smith, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Windle, Zachary, Mr. Speaker Casada--84

Representatives voting no were: Byrd, DeBerry, Sexton J--3

Representatives present and not voting were: Doggett, Holt, Rudd, Sparks--4

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "no" to "aye" on **House Bill No. 907** and have this statement entered in the Journal: Rep. DeBerry.

**REGULAR CALENDAR, CONTIUNED**

**House Bill No. 983** -- Education - As introduced, allows the department of education to post its annual report on its website in lieu of distributing the report to certain persons and entities. - Amends TCA Title 49. by \*Todd, \*Smith, \*Dunn, \*Halford, \*Helton. (\*SB185 by \*Jackson)

On motion, House Bill No. 983 was made to conform with **Senate Bill No. 185**; the Senate Bill was substituted for the House Bill.

Rep. Todd moved that Senate Bill No. 185 be passed on third and final consideration.

Rep. Crawford moved that Local Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Gant moved the previous question, which motion failed by the following vote:

Ayes .....	61
Noes.....	32

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Cepicky, Coley, Crawford, Curcio, Daniel, Doggett, Dunn, Eldridge, Gant, Garrett, Halford, Hall, Haston, Hazlewood, Helton, Hicks, Hill T, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sexton C, Sexton J, Sherrell, Smith, Tillis, Todd, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary--61

Representatives voting no were: Beck, Camper, Chism, Clemmons, Cochran, Cooper, DeBerry, Dixie, Faison, Freeman, Griffey, Hakeem, Hardaway, Hawk, Hodges, Jernigan, Johnson G, Lafferty, Lamar, Love, Miller, Mitchell, Parkinson, Potts, Powell, Sanderson, Shaw, Sparks, Staples, Stewart, Thompson, Towns--32

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Rep. Todd moved that **Senate Bill No. 185** be reset for the Regular Calendar on May 1, 2019, which motion prevailed.

**\*House Bill No. 1441** -- Taxes, Sales - As introduced, authorizes the commissioner of revenue to give notice of the amount of any sales and use tax delinquency by certified mail to all persons having in their possession or under their control any credits or other personal property belonging to the dealer who is delinquent. - Amends TCA Title 67; Title 68 and Title 69. by \*Todd, \*White. (SB1309 by \*Lundberg)

Rep. Todd moved that House Bill No. 1441 be passed on third and final consideration.

Rep. Lynn moved adoption of Finance, Ways, and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1441 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-102(49)(A), is amended by adding the following as a new subdivision:

(iv) Providing a dumpster or other container for waste or debris removal for a fixed or indeterminate period of time along with the delivery and pickup of the dumpster. A condition of this exclusion is that the provider of the dumpster is exclusively responsible for delivery and pickup of the dumpster;

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1 was adopted.

Rep. Lynn moved adoption of Finance, Ways, and Means Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1441 by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. This act shall not be given retroactive application, and shall only apply prospectively to tax liabilities incurred on or after the effective date of this act.

On motion, Finance, Ways, and Means Committee Amendment No. 2 was adopted.

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Rep. Todd moved that **House Bill No. 1441**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 94  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulse, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--94

A motion to reconsider was tabled.

**House Bill No. 1187** -- Veterans - As enacted, eliminates the fee for interment of an eligible veteran's spouse in a state veterans' cemetery. - Amends TCA Title 46, Chapter 6. by \*Chism, \*Dixie, \*Littleton, \*Powell, \*Van Huss, \*Halford, \*Moon, \*Sparks, \*Staples, \*White, \*Lamar, \*Miller, \*Hakeem, \*Griffey, \*Bricken, \*Helton, \*Shaw, \*Zachary, \*Stewart, \*Calfee, \*Freeman, \*Hodges, \*Hardaway, \*Byrd, \*Tillis, \*Cooper, \*Love, \*Holsclaw, \*Johnson C, \*Kumar, \*Hazlewood, \*Parkinson, \*Thompson, \*Ragan, \*Beck, \*Johnson G, \*Towns, \*Hurt, \*Howell, \*Eldridge, \*Crawford, \*Haston. (\*SB844 by \*Gilmore)

Rep. Chism moved that House Bill No. 1187 be passed on third and final consideration.

Rep. Keisling moved adoption of State Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1187 by deleting SECTION 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 46-6-107(b), is amended by deleting the subsection and substituting instead the following:

(b) The department may charge a fee not to exceed three hundred dollars (\$300) for the interment of an eligible veteran's spouse; provided, that the department shall not charge a fee for the interment of the eligible veteran's most recent spouse.

On motion, State Committee Amendment No. 1 was adopted.

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

Rep. Chism moved that **House Bill No. 1187**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--95

A motion to reconsider was tabled.

**SPECIAL ORDER**

Without objection, Rep. Lamberth moved the House to take up Message Calendar No. 2, out of order at this time as follows:

**MESSAGE CALENDAR NO. 2**

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 1** -- Gambling - As introduced, authorizes sports betting in this state only in jurisdictions that approve sports betting by local option election; imposes a 10 percent tax on gaming revenue; distributes 40 percent of the tax to the general fund for general appropriations, 30 percent to Tennessee colleges of applied technologies and community colleges for equipment and capital projects, and 30 percent to local governments for education and infrastructure; establishes the Tennessee gaming commission to regulate sports betting; authorizes the commission to collaborate with the Tennessee bureau of investigation for purposes of enforcement. - Amends TCA Title 4; Title 14; Title 38; Title 39, Chapter 17, Part 5; Title 47, Chapter 18; Title 49 and Title 67. by \*Staples, \*Sanderson, \*Camper, \*Ramsey, \*Tillis, \*Hodges, \*Hardaway, \*Potts, \*Lamar, \*Cooper, \*Powell. (SB16 by \*Dickerson)

Rep. Staples moved that the House concur in Senate Amendments Nos. 2, 3 and 4 to House Bill No. 1.

**Senate Amendment No. 2**

AMEND House Bill No. 1 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated is amended by adding the following new part:

**4-51-301. Short title.**

This part shall be known and may be cited as the "Tennessee Sports Gaming Act."

**4-51-302. Part definitions.**

As used in this part, unless the context otherwise requires:

(1) "Adjusted gross income" means the total of all money paid to a licensee as bets minus the total amount paid out to winning bettors over a specified period of time, which includes the cash equivalent of any merchandise or thing of value awarded as a prize;

(2) "Bettor" means a person who is:

(A) Twenty-one (21) years of age or older;

(B) Physically present in this state when placing a wager with a licensee; and

(C) Not prohibited from placing a wager under § 4-51-312;

(3) "Bond" means a bond held in escrow for the purpose of maintaining adequate reserves to account for losses suffered by a licensee and owed to bettors;

(4) "Cheating" means improving the chances of winning or of altering the outcome by deception, interference, or manipulation of a sporting event or of any equipment, including software pertaining to or used in relation to the equipment, used for or in connection with the sporting event on which wagers are placed or are invited, including attempts and conspiracy to cheat;

(5) "Collegiate" means belonging to, or involving, a public or private institution of higher education;

(6) "Collegiate sporting event" means a sporting or athletics event involving a sports or athletics team of a public or private institution of higher education;

(7) "Council" means the Tennessee education lottery corporation sports wagering advisory council;

(8) "E-sport" means any multiplayer video game played competitively for spectators, either in-person or via remote connection, in which success principally depends upon the superior knowledge, training, experience, and adroitness of the players;

(9) "Fixed-odds betting" means bets made at pre-determined odds or on the spread where the return to the bettor is unaffected by any later change in odds or the spread;

(10) "Future bet" means a wager made on the occurrence of an event in the future relating to a sporting event;

(11) "Interactive sports wagering" means placing a wager on a sporting event via the internet, a mobile device, or other telecommunications platform;

(12) "License" means a license to accept wagers from bettors on sporting events issued under § 4-51-317;

(13) "Licensee" means a person who holds a license issued under § 4-51-317;

(14) "Live betting" means a type of wager that is placed after the sporting event being wagered on has commenced and whose odds on events occurring are adjusted in real time;

(15) "Minor" means a person who is less than twenty-one (21) years of age;

(16) "Money line" means the fixed odds in relation to a dollar amount that a team or person participating in a sporting event will win outright, regardless of the spread;

(17) "Official league data" means statistics, results, outcomes, and other data related to a sporting event obtained pursuant to an agreement with the relevant governing body of a sport or sports league, organization, or association whose corporate headquarters are based in the United States, or an entity expressly authorized by such governing body to provide such information to licensees for purposes of live betting;

(18) "Online sports wagering platform" means the combination of hardware, software, and data networks used to manage, administer, or control sports wagering and any associated wagers accessible by any electronic means, including mobile applications and Internet websites accessed via a mobile device or computer;

(19) "Pari-mutuel betting" means a type of bet in which all wagers on a particular occurrence are pooled and winnings are paid in accordance with the size of the pool and the number of winners;

(20) "Parlay bet" means a single wager that incorporates two (2) or more individual bets for purposes of earning a higher payout if each bet incorporated within the wager wins;

(21) "Professional sports team" means a major or minor league professional baseball, football, basketball, soccer, or hockey franchise, or a professional motor sport;

(22) "Proposition bet" means a wager made regarding the occurrence or non-occurrence during a sporting event of an event that does not directly affect the final outcome of the sporting event;

(23) "Sporting event" means any professional sporting or athletic event, including motorsports and e-sports, any collegiate sporting or athletic event, or any Olympic sporting or athletic event sanctioned by a national or international organization or association. "Sporting event" does not include horse racing;

(24) "Sports governing body" means the organization, league, or association that oversees a sport and prescribes final rules and enforces codes of conduct with respect to such sport and participants therein;

(25) "Spread" means the predicted scoring differential between two (2) persons or teams engaged in a sporting event;

(26) "Supervisory employee" means a principal or employee having the authority to act on behalf of a licensee or whose judgment is being relied upon to manage and advance the business operations of a licensee;

(27) "Vendor" means a contractor, subcontractor, or independent contractor hired, or contracted with, by the corporation or a licensee for the purpose of facilitating the business of the corporation or licensee under this part. "Vendor" does not include a lottery system vendor as that term is used under part 1 of this chapter; and

(28) "Wager" or "bet" means a sum of money that is risked by a bettor on the unknown outcome of one (1) or more sporting events, including, but not limited to, the form of fixed-odds betting, a future bet, live betting, a money line bet, pari-mutuel betting, parlay bet, pools, proposition bet, spread bet, or in any other form or manner as authorized by rule of the board.

#### **4-51-303. Restrictions on and regulation of licenses.**

A person issued a license to offer interactive sports wagering under this part is subject to all provisions of this part relating to licensure, regulation, and civil and criminal penalties.

#### **4-51-304. Taxes – Collection – Disposition of taxes.**

(a) It is a taxable privilege to offer sports wagering in this state under a license issued in accordance with this part. Notwithstanding any state law to the

contrary, a licensee shall only pay a privilege tax on its adjusted gross income in accordance with this section.

(b) There is imposed upon the adjusted gross income of a licensee a privilege tax of twenty percent (20%).

(c) The tax imposed under this section must be paid monthly by a licensee based on its monthly adjusted gross income for the immediately preceding calendar month. The tax must be paid to the corporation in accordance with rules promulgated by the corporation.

(d) For the purpose of enforcing this part and ascertaining the amount of tax due under this section, the corporation may competitively procure the services of a vendor to provide a central accounting and reporting system, to ascertain all bets wagered minus the total amount paid out to winning bettors daily, and such other information as the corporation may require. All licensees shall utilize such central accounting and reporting system.

(e)

(1) Eighty percent (80%) of the privilege tax collected under this section must be distributed by the corporation to the state treasurer for deposit into the lottery for education account created under § 4-51-111. Funds deposited under this subdivision (e)(1) must be accounted for separately by the corporation from funds collected by the corporation for the lottery. Section 4-51-111 is otherwise inapplicable to taxes collected and deposited under this subdivision (e)(1).

(2) Notwithstanding § 4-51-111, fifteen percent (15%) of the privilege tax collected under this section must be distributed by the corporation quarterly to the state treasurer for deposit into the general fund, to be remitted quarterly to each local government in this state on a per capita basis, as determined by population based on the last federal census. For purposes of calculating the allocation, the population of counties excludes the population of each municipality within the boundaries of the county. Funds remitted to a local government under this subdivision (e)(2) must be allocated to the county or city general fund, as applicable, to be used for local infrastructure projects, including, without limitation, transportation and road projects and public buildings.

(3) Notwithstanding § 4-51-111, five percent (5%) of the privilege tax collected under this section must be distributed by the corporation to the state treasurer and allocated to the department of mental health and substance abuse services to use in the manner prescribed by § 4-51-319(c).

**4-51-305. Lottery corporation sports wagering advisory council – Creation – Membership – Terms.**



(a) There is created a lottery corporation sports wagering advisory council to assist the corporation with sports wagering activities.

(b) The council is composed of nine (9) members appointed as follows:

(1) Three (3) by the governor, with one (1) member from each grand division of this state;

(2) Three (3) by the speaker of the senate, with one (1) member from each grand division of this state; and

(3) Three (3) by the speaker of the house of representatives, with one (1) member from each grand division of this state.

(c) Prior to the appointment of a person to the council, the appointing authority shall submit the name of the potential member to the Tennessee bureau of investigation. The bureau shall conduct a criminal records check on all such persons pursuant to § 38-6-109. The bureau may contract with any other law enforcement agency to assist in such investigation. Such potential member shall supply a set of fingerprints upon request and in the manner requested by the investigating entity.

(d) The term of each member begins on July 1. For purposes of staggering the terms of the council, each appointing authority shall appoint one (1) member to a term of four (4) years, one (1) member to a term of three (3) years, and one (1) member to a term of (2) years.

(e) After the initial terms, council members serve terms of four (4) years.

(f) Notwithstanding subsection (e), at the end of the member's term, the member shall continue to serve until a replacement is appointed by the appropriate appointing authority.

(g)

(1) Each member of the council must:

(A) Be a citizen of the United States;

(B) Be, and remain, a resident of this state; and

(C) Possess and demonstrate honesty, integrity, and good character.

(2) A person is not eligible for appointment to the council if the person:

(A) Holds any elective office in state government;

(B) Is an officer or official of any political party;

(C) Has a direct pecuniary interest in the sports wagering or gaming industry;

(D) Has been convicted of a felony;

(E) Has been convicted of a misdemeanor involving gambling, theft, computer-related offenses, forgery, perjury, dishonesty, or unlawfully selling or providing a product or substance to a minor;

(F) Has been convicted of any violation under this chapter;  
or

(G) Has been convicted of any offense in a federal court, military court, or court of another state, territory, or jurisdiction that under the laws of this state would disqualify such person pursuant to subdivisions (g)(2)(D)-(F).

(h) In making appointments to the council, the appointing authorities shall strive to ensure that the council membership is diverse in educational background, ethnicity, race, gender, and geographic residency and has experience in:

(1) The sports industry;

(2) Accounting; and

(3) Law enforcement.

(i) A vacancy on the council must be filled for the balance of the unexpired term in the same manner as the original appointment.

(j) Five (5) members of the council constitute a quorum for the purposes of voting and conducting the business of the council.

(k) The council shall elect a chair from among its membership. The chair shall serve in that capacity for one (1) year and is eligible for reelection. The chair shall preside at all meetings and shall have all the powers and privileges of other members.

(l) The council shall meet not less than quarterly, and may hold additional regular and special meetings at the call of the board.

(m) The members must be reimbursed for per diem and travel expenses in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(n) The council shall:

(1) Advise the board of best practices with respect to sports wagering;

(2) Provide administrative and technical assistance to the corporation with respect to sports wagering; and

(3) Carry out any other duties of the council as prescribed by the board or this part.

**4-51-306. Powers and duties of corporation and board – Adoption of rules.**

(a) The corporation and board shall enforce this part and supervise compliance with laws and rules relating to the regulation and control of wagering on sporting events in this state.

(b) The board shall promulgate rules in accordance with this part. Rules of the board promulgated under this part must be adopted, amended, or repealed in the same manner as the board adopts, amends, and repeals bylaws and regulations of the board for purposes of regulating the corporation's affairs and the conduct of corporate business.

**4-51-307. Removal of member.**

A member of the council may be removed from the council by the appointing authority if, in the opinion of the appointing authority, the member has committed misfeasance or malfeasance in office or neglect of duty.

**4-51-308. Reports of board.**

(a) The board shall prepare and submit an annual report to the governor, the speaker of the senate, and the speaker of the house of representatives containing the following information:

(1) The number of active licensees;

(2) The aggregate gross and net revenue of all licensees; and

(3) The financial impact on this state and local governments as the result of the sports wagering industry in this state.

(b) The report prepared under subsection (a) must be submitted not later than September 30 of each year. A report submitted under subsection (a) may be submitted electronically.

**4-51-309. Requirements for escrow account, insurance, and cash-on-hand.**

(a) The board shall prescribe by rule:

(1) The amount of a bond in escrow and the amount of cash that must be kept on hand to ensure that there exists adequate reserves to pay off bettors; and

(2) Any insurance requirements for a licensee.

(b) The licensee may maintain the bond at any bank lawfully operating in this state, and the licensee must be the beneficiary of any interest accrued thereon.

**4-51-310. Financial practices, audits of licensees, and post-employment restrictions.**

The board shall prescribe by rule:

(1) Minimum requirements by which each licensee must exercise effective control over its internal fiscal affairs, including, without limitation, requirements for:

(A) Safeguarding assets and revenues, including evidence of indebtedness;

(B) Maintenance of reliable records relating to accounts, transactions, profits and losses, operations, and events; and

(C) Global risk management;

(2) Requirements for internal and independent audits of licensees;

(3) The manner in which periodic financial reports must be submitted to the board from each licensee, including the financial information to be included in the reports;

(4) The type of information deemed to be confidential financial or proprietary information that is not subject to any reporting requirements under this part;

(5) Policies, procedures, and processes designed to mitigate the risk of cheating and money laundering; and

(6) Any post-employment restrictions necessary to maintain the integrity of sports wagering in this state.

**4-51-311. Persons authorized to engage in sports wagering.**

(a) Except for those persons ineligible to place bets under § 4-51-312, a person who is twenty-one (21) years of age or older and who is physically located in this state may place a wager in the manner authorized by law.

(b) A licensee shall ensure that all wagers accepted in this state are from qualified bettors and in accordance with this part.

**4-51-312. Persons ineligible to place a bet or wager.**

(a) The following persons or categories of persons shall not, directly or indirectly, wager or bet on a sporting event in this state:

(1) Any member, officer, or employee of the council, board, or corporation;

(2) With respect to a licensee, any principal owner, partner, member of the board of directors, officer, or supervisory employee;

(3) With respect to a vendor of a licensee, any principal owner, partner, member of the board of directors, officer, or supervisory employee;

(4) Any contractor, subcontractor, or consultant, or officer or employee of a contractor, subcontractor, or consultant, of a licensee, if the person is directly involved in the licensee's operation of sports wagering or the processing of sports wagering claims or payments through the licensee's online sports wagering platform;

(5) Any person subject to a contract with the board if the contract contains a provision prohibiting the person from participating in sports wagering;

(6) Any person with access to information that is known exclusively to a person who is prohibited from placing a wager in this state under this section;

(7) Any amateur or Olympic athlete if the wager is based on the sport or athletic event in which the athlete participates and that is overseen by the athlete's sports governing body;

(8) Any professional athlete if the wager is based on any sport or athletic event overseen by the athlete's sports governing body;

(9) Any owner or employee of a team, player, umpire or sports union personnel, or employee, referee, coach, or official of a sports governing body, if the wager is based on a sporting event overseen by the person's sports governing body;

(10) Any trustee or regent of a governing board of a public or private institution of higher education;

(11) Any member of an advisory board established under title 49, chapter 9, part 5;

(12) Any person prohibited by the rules of a governing body of a collegiate sports team, league, or association from participating in sports wagering activities;

(13) With respect to a student or an employee of a public or private institution of higher education, any person who has access to material non-public information concerning a student athlete or team, and the information is relevant to the outcome of a sporting event; provided, that the person is only prohibited from using the information to place a wager on a collegiate sporting event; and

(14) Any person having the ability to directly affect the outcome of a sporting event.

(b) The board may prescribe by rule additional categories of persons who are prohibited from placing a wager in this state.

(c) The corporation shall maintain a confidential registry of persons and categories of persons who are ineligible to place a wager in this state and shall provide the registry to each licensee in this state. The corporation shall provide each updated registry to the licensees as soon as practicable. Each licensee shall maintain the registry provided by the corporation confidentially.

(d) A violation of subsection (a) is:

(1) For a first offense, a Class C misdemeanor;

(2) For a second offense, a Class B misdemeanor; and

(3) For a third or subsequent offense, a Class A misdemeanor.

(e) As used in this section, "material non-public information" has the same meaning as defined in § 4-51-330(d).

**4-51-313. Wagers as contracts.**

Notwithstanding § 29-19-101, each wager placed in accordance with this part is deemed to be an enforceable contract.

**4-51-314. Wagers prohibited.**

(a)

(1) The board shall, by rule, prohibit wagering on:

(A) Injuries, penalties, and other types or forms of wagering under this part that are contrary to public policy, unfair to consumers, or deemed to violate Article XI, Section 5 of the Constitution of Tennessee; and

(B) Individual actions, events, statistics, occurrences, or non-occurrences to be determined during a collegiate sporting event, including, without limitation, in-game proposition bets on the performance or non-performance of a team or individual participant during a collegiate sporting event.

(2) A licensee may only offer parlay and proposition bets of the type or category as prescribed by rule of the board. The board shall prescribe by rule the types and categories of parlay and proposition bets that may be offered in this state, if any.

(b)

(1) A licensee, professional sports team, league, or association, or institution of higher education may submit to the council in writing a request to prohibit a type or form of wagering, or to prohibit a category of persons from wagering, if the licensee, team, league, association, or institution believes that such wagering by type, form, or category is contrary to public policy, unfair to consumers, or affects the integrity of a particular sport or the sports betting industry.

(2) The council shall, upon a demonstration of good cause from the requestor, recommend to the board that the request be granted, and the board shall promulgate an emergency rule granting the request. The council shall respond to a request pursuant to this subsection (b) concerning a particular event before the start of the event, or if it is not feasible to respond before the start of the event, as soon as practicable.

**4-51-315. Integrity of sports wagering – Public interest.**

(a) The board, council, licensees, and vendors shall cooperate with investigations conducted by sports governing bodies and law enforcement agencies, including, but not limited to, providing or facilitating the provision of account-level betting information and data files relating to persons placing wagers.

(b) Licensees shall, as soon as practicable, report to the board any information relating to:

(1) Criminal or disciplinary proceedings commenced against the licensee in connection with its operations;

(2) Abnormal betting activity or patterns that may indicate a concern with the integrity of a sporting event;

(3) Any potential breach of a sports governing body's internal rules and codes of conduct pertaining to sports wagering;

(4) Conduct that corrupts the betting outcome of a sporting event for purposes of financial gain, including match fixing; and

(5) Suspicious or illegal wagering activities, including cheating, the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, using agents to place wagers, and using false identification.

(c) Licensees shall also, as soon as practicable, report information relating to conduct described in subdivisions (b)(2)-(4) to the relevant sports governing body.

(d) At the request of the board and only for intermittent periods, licensees shall share with the board, in real time and at the account level, information regarding a bettor, amount and type of bet, the time the bet was placed, the location of the bet, including the internet protocol address if applicable, the outcome of the bet, and records of abnormal betting activity. Information shared under this subsection (d) must be submitted in the form and manner as required by rule of the board.

(e) If a sports governing body has notified the board that real-time information sharing for wagers placed on its sporting events is necessary and desirable, licensees shall share the same information with the sports governing body or its designee with respect to wagers on its sporting events. Such information must be provided in anonymized form and may be used by a sports governing body solely for integrity purposes.

(f) In addition to its specific rulemaking authority under this part, the board may promulgate rules it deems necessary to maintain the integrity of sports wagering in this state and to protect the public interest.

**4-51-316. Official league data.**

(a) A licensee shall exclusively use official league data for purposes of live betting.

(b) If a licensee can demonstrate to the board that the governing body of a sport or sports league, organization, or association or other authorized entity cannot provide a feed of official league data for live betting in accordance with commercially reasonable terms, as determined by the board, a licensee may use any data source that is not obtained:

(1) Directly or indirectly from live, authorized sporting event attendees who collect the data in violation of the terms of admittance to the event; or

(2) Through automated computer programs that compile data from the internet in violation of the terms of service of the relevant website or other internet platform.

**4-51-317. Applying for licenses – Fees.**



(a) An applicant for a license shall submit an application on a form, in such manner, and in accordance with such requirements as may be prescribed by rule of the board.

(b) An application for a license must include the following:

(1) The identification of the applicant's principal owners who own five percent (5%) or more of the company, partners, members of its board of directors, and officers;

(2) A national criminal background check for each person identified under

subdivision (b)(1) conducted by the Tennessee bureau of investigation or another appropriate law enforcement agency. A set of fingerprints must be supplied upon request and in the manner requested by the investigating agency;

(3) Information, documentation, and assurances as may be required to establish by clear and convincing evidence the applicant's good character, honesty, and integrity. Such information may include, without limitation, information pertaining to family, habits, character, reputation, criminal and arrest records, business activities, financial affairs, and business, professional, and personal associates, covering at least the ten-year period immediately preceding the filing of the application;

(4) Notice and a description of civil judgments obtained against the applicant pertaining to antitrust or security regulation laws of the federal government, of this state or of any other state, jurisdiction, province, or country;

(5) Letters of reference from law enforcement agencies having jurisdiction in the applicant's place of residence and principal place of business. The letters of reference must indicate that such law enforcement agencies do not have any pertinent information concerning the applicant, or if such law enforcement agency does have information pertaining to the applicant, must specify what the information is;

(6) If the applicant has conducted gaming operations in a jurisdiction which permits such activity, letters of reference from the regulatory body that regulates sports wagering that specify the standing of the applicant with the regulatory body; provided, however, that if no such letters are received within sixty (60) days of the request therefor, the applicant may submit a statement under oath that the applicant is or was, during the period such activities were conducted, in good standing with the governing body;

(7) Information, documentation, and assurances concerning financial background and resources as may be required to establish by

clear and convincing evidence the financial stability, integrity, and responsibility of the applicant, including, but not limited to, bank references, business and personal income and disbursement schedules, tax returns and other reports filed with governmental agencies, and business and personal accounting and check records and ledgers. Each applicant shall, in writing, authorize the examination of all bank accounts and records as may be deemed necessary by the board. The board may consider any relevant evidence of financial stability. The applicant is presumed to be financially stable if the applicant establishes by clear and convincing evidence that it meets each of the following standards:

(A) The ability to assure the financial integrity of sports wagering operations by the maintenance of a bankroll or equivalent provisions adequate to pay winning wagers to bettors when due. An applicant is presumed to have met this standard if the applicant maintains, on a daily basis, a bankroll and equivalent provisions, in an amount which is at least equal to the average daily minimum bankroll or equivalent provisions, calculated on a monthly basis, for the corresponding month in the previous year;

(B) The ability to meet ongoing operating expenses which are essential to the maintenance of continuous and stable sports wagering operations; and

(C) The ability to pay, as and when due, all state and federal taxes;

(8) Information, documentation, and assurances as may be required to establish by clear and convincing evidence that the applicant has sufficient business ability and gaming experience as to establish the likelihood of the creation and maintenance of a successful, efficient sports wagering operation;

(9) Information, as required by rule of the board, regarding the financial standing of the applicant, including, without limitation, each person or entity that has provided loans or financing to the applicant;

(10) A nonrefundable application fee in the amount of fifty thousand dollars (\$50,000), and an annual licensing fee in the amount of seven hundred fifty thousand dollars (\$750,000); and

(11) Any additional information required by the board by rule.

(c) Upon review of the application, the board shall approve or deny an application for a license not more than ninety (90) days after receipt of an application.

(d) A license issued by the board authorizes the licensee to offer interactive sports wagering in this state.

(e) A licensee may renew its license by submitting an application on a form, in such manner, and in accordance with such requirements as may be prescribed by rule of the board. A licensee shall submit the nonrefundable annual license and application fees prescribed under subdivision (b)(10) with its application for the renewal of its license.

(f) For each application for licensure or renewal of a license that is approved under this section, the amount of the application fee must be credited toward the licensee's annual license fee and the licensee shall remit the balance of the annual fee to the corporation upon approval of a license. The fees collected from licensees under this section must be used by the corporation to pay the actual operating and administrative expenses incurred under this part.

(g) Except as provided in subsection (f), licensing and application fees collected by the board must be distributed to the state treasurer for deposit into the Tennessee Promise scholarship endowment fund created under § 49-4-708(d).

(h) Each person holding a license under this part has a continuing duty to immediately inform the board of any change in status relating to any information that may disqualify the person from holding the license.

**4-51-318. Restrictions on licensees.**

(a) A licensee shall not:

(1) Allow a minor to place a wager;

(2) Offer, accept, or extend credit to a bettor;

(3) Directly advertise or promote sports wagering to minors. The board shall adopt rules specific to the manner in which a licensee may advertise its business operations as authorized by this part;

(4) Offer or accept a wager on any event, outcome, or occurrence other than a sporting event, including, without limitation, a high school sporting event offered, sponsored, or played in connection with a public or private institution that offers education at the secondary level; or

(5) Accept a wager from a person who is on the registry created and maintained by the corporation under § 4-51-312(c).

(b) A violation of this section is:

(1) For a first offense, a Class B misdemeanor; and

(2) For a second or subsequent offense, a Class A misdemeanor.

**4-51-319. Responsible sports wagering.**

(a) Licensees shall allow bettors to restrict themselves from placing wagers with the licensee, including limits on the time spent betting and amounts wagered, and take reasonable steps to prevent those bettors from placing such wagers. At the request of a bettor, a licensee may share the request with the board for the sole purpose of disseminating the request to other licensees.

(b) The board shall promulgate rules that require a licensee to implement responsible sports wagering programs that include comprehensive training on responding to circumstances in which individuals present signs of a gambling addiction.

(c)

(1) The department of mental health and substance abuse services shall use the funds distributed to the department under § 4-51-304(e)(3) to develop and establish treatment programs and resources for gambling addiction and compulsive gambling.

(2) The department's programs and resources must focus on the social, emotional, and psychological health of compulsive gamblers and gambling addicts through initial and periodic assessments, counseling and behavioral therapy, self-help and support groups, referrals to medical providers who specialize in gambling addiction and compulsive gambling, and the creation of individualized treatment and support plans.

(3) The department may use a portion of the funds to create a grant program to facilitate access to nonprofit organizations specializing in addiction and compulsive behavior by persons struggling with gambling addiction and compulsive gambling for the purposes of supplementing those services provided directly by the department.

(4) The department shall annually generate a report outlining the activities of the department with respect to funding received under this part for gambling addiction and compulsive gambling, including, without limitation, descriptions of programs, therapies, grants, and other resources made available, the success and outcomes of utilizing such programs, therapies, grant programs, and resources, the number of persons treated, the number of persons who complete programs and therapies, and the rate of recidivism, if known. The department shall file the annual report with the governor, the speaker of the senate, and the speaker of the house of representatives, and shall publish the report on its website, no later than January 1 of each year.

**4-51-320. Persons prohibited from obtaining licenses.**

The following persons shall not apply for or obtain a license:

- (1) A member or employee of the council, board, or corporation;
- (2) An employee of any professional sports team;

(3) A coach of, or player for, a collegiate or professional sports team;

(4) A person who is a member or employee of any governing body of a sports team, league, or association;

(5) A person who has been convicted of a crime as specified in rules promulgated by the board;

(6) A person having the ability to directly affect the outcome of a sporting event; and

(7) Any other category of persons, established by rule of the board, that if licensed, would affect the integrity of sports wagering in this state.

**4-51-321. Transfer of licenses.**

The board may adopt rules prescribing the manner in which a license may be transferred.

**4-51-322. House rules – Acceptance of wagers – Payouts.**

(a) Each licensee shall adopt and adhere to a written, comprehensive policy outlining the house rules governing the acceptance of wagers and payouts. The policy and rules must be approved by the board prior to the acceptance of a wager by a licensee. The policy and rules must be readily available to a bettor on the licensee's website.

(b) The board shall promulgate rules regarding:

(1) The manner in which a licensee accepts wagers from and issues payouts to bettors, including payouts in excess of ten thousand dollars (\$10,000); and

(2) Reporting requirements for suspicious wagers.

**4-51-323. Inspections.**

Members of the board or designated employees or agents of the corporation may, during normal business hours, enter the premises of any facility of a licensee or third party utilized by the licensee to operate and conduct business in accordance with this part for the purpose of inspecting books and records kept as required by this part, to ensure that the licensee is in compliance with this part, or to make any other inspection of the premises necessary to protect the interests of this state and its consumers.

**4-51-324. Licensee reporting requirements – Compliance hearing.**

(a) Each licensee shall report to the board, no later than January 15 of each year:

(1) The total amount of wagers received from bettors for the immediately preceding calendar year;

(2) The adjusted gross income of the licensee for the immediately preceding calendar year; and

(3) Any additional information required by rule of the board deemed in the public interest or necessary to maintain the integrity of sports wagering in this state.

(b) A licensee shall immediately report to the board any information relating to:

(1) The name of any newly elected officer or director of the board of the licensed entity; and

(2) The acquisition by any person of five percent (5%) or more of any class of corporate stock.

(c) With respect to information reported under subsection (b), a licensee shall include with the report a statement as to any conflict of interest that may exist as the result of such election or acquisition.

(d) Upon receiving a report under this section or § 4-51-315(b), the board may conduct a hearing in accordance with § 4-51-326 to determine whether the licensee remains in compliance with this part.

**4-51-325. Interactive sports wagering.**

(a) Prior to placing a wager with a licensee via interactive sports wagering, a bettor shall register with the licensee remotely and attest that the bettor meets the requirements to place a wager with a licensee in this state. Prior to verification of a bettor's identity in accordance with this section, a licensee shall not allow the bettor to engage in sports wagering, make a deposit, or process a withdrawal via interactive sports wagering. A licensee shall implement commercially and technologically reasonable procedures to prevent access to sports wagering by minors on its interactive platforms. A licensee may use information obtained from third parties to verify that a person is authorized to open an account, place wagers, and make deposits and withdrawals.

(b) A licensee shall adopt a registration policy to ensure that all bettors utilizing interactive sports wagering are authorized to place a wager with a licensee within this state. The policy must include, without limitation, a mechanism by which to:

(1) Verify the name and age of the registrant;

(2) Verify that the registrant is not prohibited from placing a wager under § 4-51-312; and

(3) Obtain the following information:

(A) A physical address other than a post office box;

(B) A phone number;

(C) A unique user name; and

(D) An active email account.

(c) A licensee may require a bettor to provide the licensee with a signed and notarized document attesting that the bettor is qualified to engage in sports wagering under this part as part of the registration policy of the licensee.

(d) A bettor shall not register more than one (1) account with a licensee, and a licensee shall use all commercially and technologically reasonable means to ensure that each bettor is limited to one (1) account.

(e) A licensee, in addition to complying with state and federal law pertaining to the protection of the private, personal information of registered bettors, shall use all other commercially and technologically reasonable means to protect such information consistent with industry standards.

(f) Once a bettor account is created, a bettor may only fund the account through:

(1) Electronic bank transfer of funds, including such transfers through third parties;

(2) Debit cards;

(3) Online and mobile payment systems that support online money transfers; and

(4) Any other method approved by the rule of the board that is initiated with cash.

(g)

(1) Each financial transaction with respect to an account between a bettor and licensee must be confirmed by email, telephone, text message, or other means agreed upon by the account holder. A licensee shall use all commercially and technologically reasonable means to independently verify the identity of the bettor making a deposit or withdrawal.

(2) If a licensee determines that the information provided by a bettor to make a deposit or process a withdrawal is inaccurate or incapable of verification, or violates the policies and procedures of the licensee, the licensee shall, within ten (10) days, require the submission of additional information that can be used to verify the identity of the bettor.

(3) If such information is not provided or does not result in verification of the bettor's identity, the licensee shall:

(A) Immediately suspend the bettor's account and not allow the bettor to place wagers;

(B) Retain any winnings attributable to the bettor;

(C) Refund the balance of deposits made to the account to the source of such deposit or by issuance of a check; and

(D) Deactivate the account.

(h) A licensee shall utilize geo-location or geo-fencing technology to ensure that interactive sports wagering is only available to bettors who are physically located in this state. A licensee shall maintain in this state its servers used to transmit information for purposes of accepting or paying out bets or wagers on a sporting event placed by bettors located in this state.

(i) A licensee shall clearly and conspicuously display on the website page a statement indicating that it is illegal for a person under twenty-one (21) years of age to engage in sports wagering in this state.

(j) The board shall promulgate rules for purposes of regulating sports wagering via interactive sports wagering.

**4-51-326. Violations of part – Hearings – Administrative fines.**

(a) The board may investigate and conduct a hearing with respect to a licensee upon information and belief that the licensee has violated this part, or upon the receipt of a credible complaint from any person that a licensee has violated this part. The board shall conduct investigations and hearings in accordance with rules adopted by the board.

(b) If the board determines that a licensee has violated any provision of this part or rule of the board, the board may:

(1) Suspend, revoke, or refuse to renew a license; and

(2) For any violation by a licensee, impose an administrative fine not to exceed twenty-five thousand dollars (\$25,000) per violation.



(c) Except as provided in § 4-51-327, the board shall promulgate rules establishing a schedule of administrative fines that may be assessed in accordance with subsection (b) for each violation of this part.

(d) Fines assessed under this section must be accounted for separately for use by the board in a manner consistent with rules of the board.

(e) The board may issue subpoenas to compel the attendance of witnesses and the production of relevant books, accounts, records, and documents for purposes of carrying out its duties under this part.

**4-51-327. Investigations by board.**

(a) The board, utilizing security personnel of the corporation, shall conduct investigations to determine whether:

(1) A licensee is accepting wagers from minors or other persons ineligible to place wagers in this state; and

(2) A person is unlawfully accepting wagers from another person without a license or at a location in violation of this part.

(b) After a hearing under § 4-51-326, if the board finds that:

(1) A licensee is accepting wagers from minors or other persons ineligible to place wagers in this state, the board shall impose a fine against the licensee in the following amount:

(A) For a first offense, one thousand dollars (\$1,000);

(B) For a second offense, two thousand dollars (\$2,000);  
and

(C) For a third or subsequent offense, five thousand dollars (\$5,000); and

(2) A person is unlawfully accepting wagers from another person without a license, the board shall impose a fine against the person in the following amount:

(A) For a first offense, ten thousand dollars (\$10,000);

(B) For a second offense, fifteen thousand dollars (\$15,000); and

(C) For a third or subsequent offense, twenty-five thousand dollars (\$25,000).

**4-51-328. Appealing final actions of the board.**

(a) A licensee or other person aggrieved by a final action of the board may appeal that decision to the chancery court of Davidson County.

(b) The chancery court of Davidson County shall hear appeals from decisions of the board and, based upon the record of the proceedings before the board, may reverse the decision of the board only if the appellant proves the decision to be:

(1) Clearly erroneous;

(2) Arbitrary and capricious;

(3) Procured by fraud;

(4) A result of substantial misconduct by the board; or

(5) Contrary to the United States Constitution, the Constitution of Tennessee, or this part.

(c) The chancery court may remand an appeal to the board to conduct further hearings.

**4-51-329. Civil penalties.**

A licensee or other person who violates this part is liable for a civil penalty of not more than five thousand dollars (\$5,000) per violation, not to exceed fifty thousand dollars (\$50,000) for violations arising out of the same transaction or occurrence, which must accrue to the corporation and may be recovered in a civil action brought by the office of the attorney general and reporter or its designee in the name of the corporation. Costs must not be taxed against the office of the attorney general and reporter or this state for actions brought under this section.

**4-51-330. Transmission of sports information for purposes of sports wagering.**

(a) It is unlawful for any person or entity, directly or indirectly, to knowingly receive, supply, broadcast, display, or otherwise transmit material non-public information for the purpose of wagering on a sporting event or influencing another person's or entity's wager on a sporting event.

(b) This section does not apply to the dissemination of public information as news, entertainment, or advertising.

(c) A violation of this section is a Class A misdemeanor.

(d) As used in this section, "material non-public information" means information that has not been disseminated publicly concerning an athlete, contestant, prospective contestant, or athletic team, including, without limitation, confidential information related to medical conditions or treatment, physical or

mental health or conditioning, physical therapy or recovery, discipline, sanctions, academic status, education records, eligibility, playbooks, signals, schemes, techniques, game plans, practices, strategies, assessments, systems, drills, or recordings of practices or other athletic activities.

SECTION 2. Tennessee Code Annotated, Section 39-17-501(1), is amended by adding the following new subdivision (E):

(E) Lawfully accepting or placing a wager on a sporting event in accordance with the Tennessee Sports Gaming Act, compiled in title 4, chapter 51, part 3.

SECTION 3. Tennessee Code Annotated, Section 4-51-103(g), is amended by deleting the second sentence and substituting instead the following:

Notwithstanding this section, at the end of a director's term, the director shall continue to serve until a replacement is appointed by the governor.

SECTION 4. Tennessee Code Annotated, Section 4-51-135, is amended by adding the following new subsection (f):

(f) In addition to the application of this section to the activities of the corporation relating to the regulation and oversight of the education lottery, this section additionally applies to those activities of the corporation relating to the regulation and oversight of sports wagering under part 3 of this chapter.

SECTION 5. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act are severable.

SECTION 6. The headings to sections, chapters, and parts in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 7. This act shall take effect upon becoming a law for purposes of promulgating rules and carrying out any administrative duties necessary to effectuate the provisions and intent of this act, the public welfare requiring it. This act shall take effect on July 1, 2019, for all other purposes, the public welfare requiring it.

### **Senate Amendment No. 3**

AMEND House Bill No. 1 by deleting § 4-51-305(e) in Section 1 and substituting instead the following:

After the initial terms, the term of an appointed or reappointed member is four (4) years. However, the term of a reappointed member or a new appointee replacing an existing member begins on the day of the expiration of the prior term.

**AND FURTHER AMEND** by deleting §§ 4-51-314(b)(1) and (2) in Section 1 and substituting instead the following:

(1) A licensee, professional sports team, league, or association, or institution of higher education may submit to the board in writing a request to prohibit a type or form of wagering, or to prohibit a category of persons from wagering, if the licensee, team, league, association, or institution believes that such wagering by type, form, or category is contrary to public policy, unfair to consumers, or affects the integrity of a particular sport or the sports betting industry.

(2) The board shall, upon a demonstration of good cause from the requestor, grant the request. The board shall respond to a request pursuant to this subsection (b) concerning a particular event before the start of the event, or if it is not feasible to respond before the start of the event, as soon as practicable.

**AND FURTHER AMEND** by deleting from § 4-51-315(b) in Section 1 the language "Licensees shall, as soon as practicable," and substituting instead "Licensees shall immediately".

**AND FURTHER AMEND** by deleting from § 4-51-315(c) in Section 1 the language "Licensees shall also, as soon as practicable," and substituting instead "Licensees shall also immediately".

**AND FURTHER AMEND** by deleting from § 4-51-315(d) in Section 1 the language "At the request of the board and only for intermittent periods, licensees shall" and substituting instead "Licensees shall".

**AND FURTHER AMEND** by deleting the last sentence from § 4-51-315(e) in Section 1 and substituting instead the following:

Such information may be provided in anonymized form and may be used by a sports governing body solely for integrity purposes.

**AND FURTHER AMEND** by deleting the amendatory language of § 4-51-321 in Section 1 and substituting instead the following:

The board may adopt rules prescribing the manner in which a license may be transferred and a fee for the transfer of the license.

**AND FURTHER AMEND** by deleting § 4-51-320(3) in Section 1 and substituting instead the following:

(3) A coach of, or player for, a collegiate, professional, or Olympic sports team or sport;

**AND FURTHER AMEND** by adding the following new subsection (c) to § 4-51-327 in Section 1:

(c) This section does not prohibit the board from suspending, revoking, or refusing to renew the license of a licensee in accordance with § 4-51-326.

**AND FURTHER AMEND** by deleting the amendatory language of § 4-51-329 in Section 1 and substituting instead the following:

(a) A licensee or other person who violates this part is liable for a civil penalty of not more than five thousand dollars (\$5,000) per violation, not to exceed fifty thousand dollars (\$50,000) for violations arising out of the same transaction or occurrence, which must accrue to the corporation and may be recovered in a civil action brought by the office of the attorney general and reporter or its designee in the name of the corporation.

(b) The office of the attorney general may seek and obtain an injunction in a court of competent jurisdiction for purposes of enforcing this part.

(c) Costs must not be taxed against the office of the attorney general and reporter or this state for actions brought under this section.

**AND FURTHER AMEND** by deleting the amendatory language of Section 4 and substituting instead the following:

(f) This section additionally applies to those activities of the corporation relating to sports wagering under part 3 of this chapter.

**AND FURTHER AMEND** by deleting § 4-51-319(c) in Section 1 and substituting instead the following:

(1) The department of mental health and substance abuse services shall use the funds distributed to the department under § 4-51-304(e)(3) to oversee one (1) or more grant programs with organizations to provide treatment services for individuals with problem gambling or a gambling disorder, and to establish prevention initiatives to reduce the number of individuals with problem gambling or a gambling disorder. The department may also use the funds distributed to the department to cover its actual administrative costs and the costs of professional services associated with overseeing each grant program.

(2) The department shall annually generate a report outlining the activities of the department with respect to funding received under this part for problem gambling and gambling disorders, including, but not limited to, descriptions of programs, therapies, grants, and other resources made available, the success and outcomes of utilizing such programs, therapies, grant programs, and resources, the number of persons treated, the number of persons who complete programs and therapies, and the rate of recidivism, if known. The department shall file the annual report with the governor, the speaker of the senate, and the speaker of the house of representatives, and shall publish the report on its website, no later than January 1 of each year. The annual report must include an itemization of the department's expenditures relating to administrative costs and professional services associated with its activities under this subsection (c).

**Senate Amendment No. 4**

AMEND House Bill No. 1 by deleting § 4-51-316 in Section 1 and substituting instead the following:

**4-51-316. Official league data.**

A licensee shall exclusively use official league data for purposes of live betting unless the licensee can demonstrate to the board that the governing body of a sport or sports league, organization, or association or other authorized entity cannot provide a feed of official league data for live betting in accordance with commercially reasonable terms, as determined by the board.

Rep. Miller moved the previous question, which motion prevailed.

Rep. Staples moved that the House concur in Senate Amendments Nos. 2, 3 and 4 to **House Bill No. 1**, which motion prevailed by the following vote:

Ayes .....	51
Noes.....	40
Present and not voting.....	3

Representatives voting aye were: Beck, Bricken, Calfee, Camper, Carr, Chism, Clemmons, Cooper, Curcio, Dixie, Eldridge, Faison, Farmer, Freeman, Griffey, Hakeem, Hardaway, Helton, Hicks, Hodges, Holsclaw, Hulsey, Jernigan, Johnson C, Johnson G, Kumar, Lafferty, Lamar, Littleton, Love, Marsh, Miller, Mitchell, Moon, Parkinson, Potts, Powell, Ramsey, Rudder, Sanderson, Sexton C, Smith, Staples, Thompson, Tillis, Towns, Travis, Vaughan, Whitson, Williams, Mr. Speaker Casada--51

Representatives voting no were: Baum, Boyd, Byrd, Carter, Cepicky, Cochran, Coley, Crawford, DeBerry, Doggett, Dunn, Gant, Halford, Hall, Haston, Hawk, Hazlewood, Hill M, Hill T, Holt, Howell, Hurt, Keisling, Lamberth, Leatherwood, Lynn, Moody, Ogles, Ragan, Reedy, Rudd, Sexton J, Sherrell, Sparks, Stewart, Todd, Van Huss, Weaver, Windle, Zachary--40

Representatives present and not voting were: Garrett, Powers, White--3

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on the motion to concur in Senate Amendments Nos. 2, 3 and 4 to **House Bill No. 1** and have this statement entered in the Journal: Rep. Daniel.

MESSAGE CALENDAR NO. 2, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 257** -- Criminal Offenses - As introduced, creates a Class D felony offense for any person who knowingly uses a communication or electronic device to obtain information from an elderly adult concerning the elderly adult's medical condition or health, sends unsolicited or specifically refused medical supplies to the elderly adult, and files a claim or submits a bill with the state Medicare plan for reimbursement. - Amends TCA Title 39, Chapter 15, Part 5 and Title 71. by \*Littleton, \*Todd, \*Hazlewood, \*Moon, \*Ragan, \*Smith, \*Tillis, \*Helton, \*Staples, \*Hardaway, \*White, \*Doggett, \*Byrd, \*Carter. (\*SB265 by \*Roberts)

**Senate Amendment No. 1**

AMEND House Bill No. 257 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 5, is amended by adding the following as a new section:

(a) A person or an entity commits an offense if the person or entity knowingly:

(1) Uses a telephone or other communication or electronic device to obtain information concerning the medical condition or health of an elderly adult;

(2) Sends, or causes to be sent, medical supplies, medical equipment, or medicine to the elderly adult and the items sent are unsolicited or specifically refused; and

(3) Files a claim or submits a bill with the state medicaid plan for reimbursement of the value of the equipment, supplies, or medicine sent to the elderly adult.

(b) Any person who violates this section shall be punished as provided in § 71-5-2601(a)(4).

SECTION 2. This act shall take effect July 1, 2019, the public welfare requiring it.

Rep. Littleton moved that the House concur in Senate Amendment No. 1 to **House Bill No. 257**, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey,

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Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulse, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Sanderson, Sexton C, Sexton J, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Zachary, Mr. Speaker Casada--95

A motion to reconsider was tabled.

### **HOUSE ACTION ON SENATE MESSAGES**

**\*Senate Bill No. 557** -- Annexation - As introduced, specifies that all property owners, rather than just residents, of a territory proposed for annexation may vote in the referendum on the question of annexation. - Amends TCA Title 6, Chapter 51, Part 1. by \*Johnson. (HB1089 by \*Whitson)

### **CONFERENCE COMMITTEE APPOINTED ON SENATE BILL NO. 557**

Pursuant to **Rule No. 73**, Representative Whitson acceded to the request of the Senate and moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 557, which motion prevailed.

The Speaker appointed Representatives Whitson, Vaughan and Freeman as the House members of the Conference Committee on Senate Bill No. 557.

### **HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1075** -- Wine & Wineries - As introduced, creates the Tennessee wine and grape board; establishes the powers and duties of the board; creates the wine and grape fund; provides for the funding of the fund and the manner in which such funds may be used by the board. - Amends TCA Title 4; Title 43; Title 57 and Title 67. by \*Sanderson, \*Faison. (\*SB302 by \*Yager)

#### **Senate Amendment No. 2**

AMEND House Bill No. 1075 by deleting all the language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-240(a), is amended by deleting subdivision (56).

SECTION 2. Tennessee Code Annotated, Title 43, is amended by deleting chapter 30.



SECTION 3. Tennessee Code Annotated, Title 57, Chapter 3, is amended by adding the following new part:

**57-3-1101.**

(a) The Tennessee wine and grape board is hereby created, referred to in this part as the "board", for the purpose of supporting the growth of the wine industry in this state.

(b) For administrative purposes only, the board is attached to the department of agriculture.

(c) The board is composed of seven (7) members, as follows:

(1) The commissioner of agriculture, or the commissioner's designee;

(2) The commissioner of tourism, or the commissioner's designee;

(3) A Tennessee wine producer, appointed by the governor;

(4) A Tennessee grape or fruit producer, appointed by the governor;

(5) A person in higher education with a background in fermentation or viticulture, appointed by the governor; and

(6) Two (2) members who are involved, with respect to the wine industry in this state, in production, marketing, sales, journalism, or education, appointed by the governor.

(d) Members appointed under subdivisions (c)(3)-(6) serve at the pleasure of the governor.

(e) The members of the board shall receive no compensation for their service on the board, nor are the members entitled to per diem or travel expenses for the purposes of carrying out their duties under this part.

(f) The commissioner of agriculture shall call the first meeting of the board. The board shall elect its chair and other officers at the first meeting of the board and annually thereafter.

(g) For the initial appointments of members under subdivisions (c)(3)-(6), the governor shall appoint two (2) members to four-year terms, two (2) members to three-year terms, and one (1) member to a two-year term.

(h) After the initial appointments, each appointed member shall serve a term of four (4) years. Vacancies on the board must be filled in the same manner as the initial appointment.

(i) For purposes of conducting official business of the board, a quorum consists of no less than four (4) members.

(j) The board shall issue an annual report on the wine industry and viticulture in this state and on current and future activities of the board, and shall submit the report to the governor, the commissioner of finance and administration, the chair of the agriculture and natural resources committee of the house of representatives, and the chair of the energy, agriculture and natural resources committee of the senate.

**57-3-1102.**

(a) Money appropriated for use by the board must be used to:

(1) Increase the number of wineries in this state;

(2) Improve the quality of wine produced by wineries in this state;

(3) Promote the wine industry and viticulture in this state; and

(4) Implement and maintain a wholesaler rebate program for Tennessee wineries.

(b) The board has the authority to receive gifts, donations, grants, and funds to promote its activities and support ongoing programs. Any funds raised by the board must be used in accordance with this part.

(c) Any funds received by the board shall be held by the department and accounted for separately for such use.

(d) The office of the comptroller of the treasury may audit the board as it deems necessary.

**57-3-1103.**

The board may promulgate rules for the purpose of carrying out this part.

SECTION 4. Tennessee Code Annotated, Section 4-29-242(a), is amended by inserting the following as a new subdivision:

( ) Tennessee wine and grape board, created by § 57-3-1101;

SECTION 5. This act shall take effect July 1, 2019, the public welfare requiring it.

## TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY

Rep. Sanderson moved that the House concur in Senate Amendment No. 2 to **House Bill No. 1075**, which motion prevailed by the following vote:

Ayes .....	72
Noes.....	17
Present and not voting.....	2

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Calfee, Camper, Carr, Carter, Chism, Clemmons, Cochran, Coley, Cooper, Curcio, Dixie, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hardaway, Hawk, Hazlewood, Helton, Hicks, Hodges, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Littleton, Marsh, Miller, Mitchell, Moon, Parkinson, Potts, Powell, Ragan, Ramsey, Reedy, Rudder, Sanderson, Sexton C, Sexton J, Shaw, Smith, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, White, Whitson, Williams, Mr. Speaker Casada--72

Representatives voting no were: Byrd, Cepicky, Crawford, DeBerry, Doggett, Dunn, Haston, Hill T, Holt, Leatherwood, Lynn, Moody, Sherrell, Sparks, Weaver, Windle, Zachary--17

Representatives present and not voting were: Powers, Rudd--2

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "no" to "aye" on Senate Amendment No. 2 to **House Bill No. 1075** and have this statement entered in the Journal: Reps. Lynn and Weaver.

### MESSAGE CALENDAR NO. 2, CONTINUED

**House Bill No. 1508** -- Appropriations - As introduced, makes appropriations for the fiscal years beginning July 1, 2018, and July 1, 2019. by \*Lamberth, \*Gant, \*Lynn, \*Holt, \*Hazlewood, \*Hicks, \*Sparks, \*Keisling, \*Shaw. (\*SB1518 by \*Johnson)

Rep. Lamberth moved that **House Bill No. 1508** be rolled to the heel of the calendar, which motion prevailed.

### MOTION TO PLACE BILL ON CALENDAR

Rep. Lamberth moved that **House Bill No. 1542** and **1543** be placed on the Naming, Designating, & Private Acts Committee Calendar for today, April 30, 2019, which motion prevailed.

### RECESS MOTION

Rep. Lamberth moved that the House stand in recess 4:00 p.m., which motion prevailed.

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**April 30, 2019**

MR. SPEAKER: I am directed to transmit to the House, SB 510. The Senate nonconcurred in House Amendment No(s).HA 1 & HA 3.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 30, 2019**

MR. SPEAKER: I am directed to transmit to the House, HB 471. The Senate refused to recede from its action in adopting in Senate Amendment No. SA 1.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1280; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 30, 2019**

MR. SPEAKER: I am directed to return to the House, HB 471.

The Senate acceded to the request of the House for the appointment of a conference Committee. The Speaker appointed a Conference Committee composed of Senators: Roberts, Bell & Kyle to confer with a like committee from the House in open conference to resolve the differences between the bodies on HB 471.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 30, 2019**

MR. SPEAKER: I am directed to transmit to the House, SB 510.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No. HA#1 & HA#3.

The Speaker appointed a Conference Committee composed of Senators: Roberts, Bailey & Akbari to confer with a like committee from the House in open conference to resolve the differences between the bodies on SB 510.

RUSSELL A. HUMPHREY, Chief Clerk

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

**RECESS EXPIRED**

The recess having expired, the House was called to order by Mr. Speaker Casada.

**ROLL CALL DISPENSED**

On motion of Rep. Lamberth the roll call was dispensed with.

**SPECIAL ORDER**

Without objection, Rep. Lamberth moved the House to take up Message Calendar No. 3, out of order at this time as follows:

**MESSAGE CALENDAR NO. 3**

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 353** -- Professions and Occupations - As introduced, allows certain persons who receive certified occupational training as a prisoner or a student in a high school technical training class to receive equivalent credit toward an occupational license relating to the training received. - Amends TCA Title 4, Chapter 6, Part 1; Title 37; Title 38; Title 41; Title 49; Title 62 and Title 63. by \*Daniel. (SB571 by \*Bowling)

Rep. Daniel moved that the House non-concur in Senate Amendment No. 1 to **House Bill No. 353**, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 471** -- Sunset Laws - As introduced, extends the bureau of TennCare within the department of finance and administration to June 30, 2022. - Amends TCA Title 4, Chapter 29; Title 4, Chapter 3, Part 10 and Title 71. by \*Daniel, \*Hill M, \*Hardaway. (\*SB132 by \*Roberts, \*Crowe)

Rep. Daniel moved that the House refuse to recede from its action in nonconcurring in Senate Amendment No. 1 to **House Bill No. 471**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 471**

Pursuant to **Rule No. 73**, Representative Daniel moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 471, which motion prevailed.

The Speaker appointed Representatives Daniel, M. Hill and Stewart as the House members of the Conference Committee on House Bill No. 471.

**HOUSE ACTION ON SENATE MESSAGES**

**Senate Bill No. 510** -- Insurance Companies, Agents, Brokers, Policies - As introduced, enacts the "Tennessee Right to Shop Act." - Amends TCA Title 8; Title 33; Title 56; Title 63 and Title 68. by \*Roberts, \*Jackson, \*Massey, \*Pody. (\*HB419 by \*Smith, \*Casada, \*Sexton C, \*Helton, \*Howell, \*Daniel, \*Powers, \*Terry, \*Tillis, \*Marsh, \*White, \*Coley, \*Zachary, \*Lafferty, \*Weaver, \*Ragan, \*Hardaway, \*Kumar, \*Sparks, \*Parkinson, \*Haston)

Rep. Smith moved that the House refuse to recede from its action in adopting House Amendments Nos. 1 and 3 to **Senate Bill No. 510**, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1327** -- Alcoholic Beverages - As introduced, authorizes leases entered into between Memphis and business owners holding a restaurant license from the alcoholic beverage commission to include provisions where the rent is calculated on gross sales, including gross sales of alcohol, of the business; prohibits a county from denying the issuance or renewal of a beer permit on the basis of a similar lease. - Amends TCA Title 57, Chapter 1; Title 57, Chapter 4 and Title 57, Chapter 5. by \*Chism, \*White, \*Parkinson, \*Miller, \*Cooper, \*Camper, \*Vaughan, \*Calfee, \*Carr, \*Staples, \*Hardaway. (\*SB498 by \*Akbari)

On motion, House Bill No. 1327 was made to conform with **Senate Bill No. 498**; the Senate Bill was substituted for the House Bill.

Rep. Chism moved that Senate Bill No. 498 be passed on third and final consideration.

Rep. Lynn moved adoption of Finance, Ways, and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 498 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-4-102(30)(C), is amended by deleting the subdivision and substituting instead the following:

(C) In counties with a population of more than three hundred nineteen thousand six hundred twenty-five (319,625), according to the 1980 census, but excluding those counties having a metropolitan form of government:

(i) Within a national historic landmark district or urban park center, as defined by this section, or within an easement area granted to a municipality for commercial recreation and commercial recreation facilities from the Tennessee Valley authority in the Fort Loudoun Reservoir:

(a) Restaurant licensees shall not be required to meet any requirements of this section which make food service,

maintenance of a kitchen, or a dining room a prerequisite to the issuance of a restaurant permit to serve liquor by the drink; and

(b) Notwithstanding any law to the contrary, restaurant licensees may enter into leases with municipal landowners in which gross sales, which may include or exclude liquor sales, are considered in the determination of a percentage rent or other rent calculation provision; and

(ii) Within a sports authority facility, as defined in this section, restaurant licensees shall not be required to meet any of the requirements of subdivision (30)(A) which make food service, maintenance of a kitchen, or a dining room a prerequisite for the issuance of a permit to serve liquor by the drink;

SECTION 2. Tennessee Code Annotated, Section 57-4-102(28)(A), is amended by deleting subdivisions (iii) and (iv) and substituting instead the following:

(iii) Such national historic landmark centers around a historic public street or right-of-way;

(iv) Such a public street or right-of-way is closed to motor vehicular traffic, whether permanently or on a regular basis; and

(v) But only to the extent that such premises are located and fronting upon such historic street and not located on or fronting upon another street or right-of-way within such national historic landmark;

SECTION 3. Tennessee Code Annotated, Section 57-5-103, is amended by adding the following new subsection:

(f) Notwithstanding any law to the contrary, no city or county shall deny the issuance or renewal of a permit upon the basis that the lease between the business and its municipal landlord includes a provision whereby gross sales, which may include or exclude liquor sales, are considered in the determination of a percentage rent or other rent calculation provision.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1 was adopted.

## TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY

Rep. Chism moved that **Senate Bill No. 498**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	72
Noes.....	15
Present and not voting.....	5

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Curcio, Daniel, Dixie, Dunn, Eldridge, Faison, Freeman, Gant, Garrett, Hakeem, Halford, Hall, Hawk, Hazlewood, Helton, Hicks, Hodges, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Love, Marsh, Miller, Mitchell, Moon, Ogles, Parkinson, Potts, Powell, Ragan, Ramsey, Rudder, Sanderson, Sexton C, Shaw, Smith, Staples, Stewart, Thompson, Tillis, Towns, Travis, Vaughan, Weaver, White, Whitson, Windle, Wright, Mr. Speaker Casada--72

Representatives voting no were: Crawford, Doggett, Haston, Hill M, Hill T, Holt, Keisling, Littleton, Lynn, Moody, Sexton J, Sherrell, Todd, Van Huss, Zachary--15

Representatives present and not voting were: DeBerry, Powers, Reedy, Rudd, Sparks--5

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "aye" to "no" on **Senate Bill No. 498** and have this statement entered in the Journal: Rep. Cepicky.

### PRESENT IN CHAMBER

Rep. Russell was recorded as being present in the Chamber.

### REGULAR CALENDAR, CONTINUED

**House Bill No. 1264** -- Handgun Permits - As introduced, creates a concealed handgun carry permit, which allows a person to carry a concealed handgun; redesignates the existing handgun carry permit as an enhanced handgun carry permit. - Amends TCA Title 10; Title 33; Title 38 and Title 39. by \*Holt, \*Casada, \*Lamberth, \*Curcio, \*Van Huss, \*Sexton C, \*Doggett, \*Littleton, \*Carter, \*Haston, \*Gant, \*Weaver, \*Moon, \*Powers, \*Cepicky. (\*SB705 by \*Stevens, \*Bell, \*Lundberg)

Rep. Holt moved that House Bill No. 1264 be passed on third and final consideration.

Rep. Curcio requested that Judiciary Committee Amendment No. 1 be placed at the heel of the amendments.



Rep. Lynn moved adoption of Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

**Amendment No. 2**

AMEND House Bill No. 1264 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-504(o), is amended by deleting the language "§ 39-17-1351" wherever it appears in subdivisions (1)-(3) and substituting instead the language "§ 39-17-1351, § 39-17-1365, or § 39-17-1366".

SECTION 2. Tennessee Code Annotated, Section 39-17-1308(a)(2), is amended by deleting the language "§ 39-17-1315 or § 39-17-1351" and substituting instead "§ 39-17-1315, § 39-17-1351, or § 39-17-1366".

SECTION 3. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting the language "handgun carry permits" wherever it appears and substituting instead "enhanced handgun carry permits".

SECTION 4. Tennessee Code Annotated, Section 39-17-1351, is amended by deleting the language "handgun carry permit" wherever it appears and substituting instead the language "enhanced handgun carry permit".

SECTION 5. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following new section:

**39-17-1366.**

(a) Any resident of this state who is a United States citizen or lawful permanent resident, as defined by § 55-50-102, may apply to the department for a concealed handgun carry permit. If the applicant is not prohibited from possessing a firearm in this state pursuant to § 39-17-1307(b), 18 U.S.C. § 922(g), or any other state or federal law, and the applicant otherwise meets all of the requirements of this section, the department shall issue a permit to the applicant.

(b) To be eligible to receive a concealed handgun carry permit, the person must:

(1) Apply in person to the department on a concealed handgun carry permit application developed by the department;

(2) Provide proof of the person's identity and state residency by presenting:

(A) A driver license or photo identification issued by this state; or

(B) Other proof satisfactory to the department showing the person's identity and residency;

(3) Meet the qualifications for the issuance of an enhanced handgun carry permit under § 39-17-1351(b) and (c) and provide the department with two (2) sets of fingerprints in the manner required in § 39-17-1351(d);

(4)

(A) Provide proof the person has demonstrated competence with a handgun; provided, that any safety or training course or class must have been completed no more than one (1) year prior to the application for the concealed handgun carry permit. The person may demonstrate such competence by one (1) of the following, but a person is not required to submit to any additional demonstration of competence:

(i) Completing any hunter education or hunter safety course approved by the Tennessee wildlife resources agency or a similar agency of another state;

(ii) Completing any firearms safety or training course administered by an organization specializing in firearms training and safety;

(iii) Completing any firearms safety or training course or class available to the general public offered by a law enforcement agency, junior college, college, private or public institution or organization, or firearms training school utilizing instructors certified by an organization specializing in firearms training and safety or the department;

(iv) Completing any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

(v) Presenting evidence of equivalent experience with a firearm through current military service or proof of an honorable discharge from any branch of the armed services;

(vi) Obtaining or previously having held a license to carry a firearm in this state, unless such license has been revoked for cause;

(vii) Completing any firearms training or safety course or class, including an electronic, video, or online course, that:

(a) Is conducted by a firearms instructor who is certified by the state or an organization specializing in firearms training and safety; and

(b) Meets the qualifications established by the department pursuant to subsection (l);

(viii) Completing any governmental law enforcement agency firearms training course and qualifying to carry a firearm in the course of normal police duties; or

(ix) Completing any other firearms training that the department deems adequate; and

(B) Proof of competence under this subdivision (b)(4) is evidenced by a photocopy of a certificate of completion of any of the courses or classes described in subdivision (b)(4)(A); an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or required experience; and

(5) Pay an application and processing fee of sixty-five dollars (\$65.00) to the department.

(c)

(1) Upon receipt of a concealed handgun carry permit application, the department shall:

(A) Forward two (2) full sets of fingerprints of the applicant to the Tennessee bureau of investigation; and

(B) Send a copy of the application to the sheriff of the county in which the applicant resides.

(2) Within thirty (30) days of receiving an application, the sheriff shall provide the department with any information concerning the truthfulness of the applicant's answers to the eligibility requirements of § 39-17-1351(c) that is within the knowledge of the sheriff.

(3) Upon receipt of the fingerprints from the department, the Tennessee bureau of investigation shall conduct searches and record checks in the same manner required in § 39-17-1351(h) and send the results to the department.

(d) If an applicant meets all the requirements of this section, the department shall issue the applicant a concealed handgun carry permit that entitles the permit holder to carry any handgun that the permit holder legally owns or possesses in a concealed manner. The concealed handgun permit is valid for eight (8) years from the date of issuance.

(e) A person issued a concealed handgun carry permit under this section shall carry the permit at all times when carrying a handgun pursuant to this section.

(f) The permit shall be issued on a wallet-sized laminated card of the same approximate size as is used by this state for driver licenses and contain only the following information concerning the permit holder:

(1) The permit holder's name, address, and date of birth;

(2) A description of the permit holder by sex, height, weight, and eye color;

(3) A color photograph of the permit holder; and

(4) The permit number, issuance date, and expiration date.

(g) The issuance of a concealed handgun carry permit under this section does not relieve a person from complying with all requirements of § 39-17-1351 in order to be issued an enhanced handgun carry permit pursuant to that section.

(h) A concealed handgun carry permit issued under this section shall authorize the permit holder to carry or possess a handgun as authorized by § 39-17-1313.

(i) A concealed handgun carry permit issued under this section is subject to the same restrictions and requirements found in §§ 39-17-1352 - 39-17-1359.

(j)

(1) Prior to the expiration of a concealed handgun carry permit, a permit holder may apply to the department for the renewal of the permit by submitting, under oath, a renewal application. The renewal application must be on a standard form developed by the department; must require the applicant to disclose, under oath, the information concerning the applicant as set forth in subsection (b); and must require the applicant to certify that the applicant still satisfies all the eligibility requirements of this section for the issuance of a concealed handgun carry permit. In the event the permit holder's current concealed handgun carry permit expires prior to the department's approval or issuance of notice of denial regarding a pending renewal application, the permit holder is entitled to continue to use the expired permit until the department issues an approval or denial of the renewal application.

(2) A person may renew that person's concealed handgun carry permit beginning six (6) months prior to the expiration date on the face of the permit.

(k) The department shall maintain the following material on the department's website:

(1) Current state law on carrying handguns;

(2) An explanation of the different handgun carry permits available; and

(3) A list of various providers that conduct department-approved training courses or classes, pursuant to subdivision (b)(4)(A).

(l) The department shall determine that a firearms training or safety course or class meets the requirement of subdivision (b)(4)(A)(vii) if the course or class curriculum does the following:

(1) Conveys the basic knowledge and skills necessary for safe handling and storage of firearms and ammunition and includes firearm safety rules, handgun uses, features, basic skills and techniques, safe cleaning, transportation, and storage methods;

(2) Conveys the current state law on carrying handguns;

(3) Is not less than ninety (90) minutes in length;

(4) Includes a test or quiz that confirms competency of the course or class curriculum; and

(5) Provides a printable certificate of course or class completion.

(m) As used in this section, "department" means the department of safety.

SECTION 6. Tennessee Code Annotated, Section 39-17-1309(e)(8), is amended by deleting the language "permit holder" and substituting instead the language "enhanced handgun carry permit holder".

SECTION 7. Tennessee Code Annotated, Section 39-17-1311(b)(1), is amended by deleting the language "§ 39-17-1351" wherever it appears and substituting instead the language "§ 39-17-1351 or § 39-17-1366".

SECTION 8. Tennessee Code Annotated, Section 39-17-1313, is amended by deleting the language "handgun carry permit holder" wherever it appears and substituting instead the language "enhanced handgun carry permit holder or concealed handgun carry permit holder".

SECTION 9. Tennessee Code Annotated, Section 39-17-1313(a), is amended by deleting the language "valid handgun carry permit" and substituting instead the language "valid enhanced handgun carry permit or concealed handgun carry permit".

SECTION 10. Tennessee Code Annotated, Section 39-17-1359(a), is amended by deleting the language "§ 39-17-1351" wherever it appears and substituting instead the language "§ 39-17-1351 or § 39-17-1366".

SECTION 11. Tennessee Code Annotated, Section 39-17-1359(b), is amended by deleting the language "§§ 39-17-1351 and 39-17-1359" and substituting instead the language "§§ 39-17-1351, 39-17-1359, and 39-17-1366".

SECTION 12. Tennessee Code Annotated, Section 39-17-1359(g)(1), is amended by deleting the language "a handgun carry permit holder" and substituting instead the language "an enhanced handgun carry permit holder or concealed handgun carry permit holder".

SECTION 13. Tennessee Code Annotated, Section 33-6-413(b)(3)(B), is amended by deleting the language "§ 39-17-1351" and substituting instead the language "§ 39-17-1351 or § 39-17-1366".

SECTION 14. Tennessee Code Annotated, Section 38-8-116(c)(6)(A)(i), is amended by deleting the language "§ 39-17-1351" and substituting instead the language "§ 39-17-1351 or § 39-17-1366".

SECTION 15. Tennessee Code Annotated, Section 39-16-702(b)(2), is amended by deleting the language "§ 39-17-1351" and substituting instead the language "§ 39-17-1351 or § 39-17-1366".

SECTION 16. Tennessee Code Annotated, Section 39-17-1321, is amended by deleting the language "§ 39-17-1351" wherever it appears and substituting instead the language "§ 39-17-1351 or § 39-17-1366".

SECTION 17. Tennessee Code Annotated, Section 39-17-1352, is amended by deleting the language "§ 39-17-1351" in subdivisions (a)(2) and (a)(7) and substituting instead the language "§ 39-17-1351 or § 39-17-1366".

SECTION 18. Tennessee Code Annotated, Section 39-17-1352(a)(6), is amended by deleting the subdivision and substituting instead the following:

(6) Has violated any other provision of §§ 39-17-1351 - 39-17-1360 or § 39-17-1366;

SECTION 19. Tennessee Code Annotated, Section 39-17-1353(d), is amended by deleting the language "§§ 39-17-1351 - 39-17-1360" and substituting instead the language "§§ 39-17-1351 - 39-17-1360 or § 39-17-1366".

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SECTION 20. Tennessee Code Annotated, Section 39-17-1358, is amended by deleting the language "§§ 39-17-1351 - 39-17-1360" wherever it appears and substituting instead the language "§§ 39-17-1351 - 39-17-1360 or § 39-17-1366".

SECTION 21. Tennessee Code Annotated, Section 39-17-1360, is amended by deleting the language "§§ 39-17-1351 - 39-17-1360" and substituting instead the language "§§ 39-17-1351 - 39-17-1360 or § 39-17-1366".

SECTION 22. This act shall take effect January 1, 2020, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Lynn moved adoption of Finance, Ways, and Means Committee Amendment No. 2, as House Amendment No. 3, as follows:

**Amendment No. 3**

AMEND House Bill No. 1264 by deleting subsection (e) in SECTION 5 and substituting instead the following:

(e) A person issued a concealed handgun carry permit under this section shall carry the permit at all times when carrying a handgun pursuant to this section and shall display the permit on demand of a law enforcement officer.

**AND FURTHER AMEND** by adding the following as a new subsection (m) in SECTION 5 and redesignating the current subsection (m) appropriately:

(m) Any law enforcement officer of this state or of any county or municipality may, within the officer's lawful jurisdiction and when the officer is acting in the lawful discharge of the officer's official duties, disarm a permit holder at any time when the officer reasonably believes it is necessary for the protection of the permit holder, officer, or another individual. The officer shall return the handgun to the permit holder before discharging the permit holder from the scene when the officer has determined that the permit holder is not a threat to the officer, the permit holder, or another individual; provided, that the permit holder has not violated this section or committed any other violation that results in the arrest of the permit holder.

**AND FURTHER AMEND** by deleting subdivisions (b)(4)(B) and (b)(5) in SECTION 5 and substituting instead the following:

(B) Proof of competence under this subdivision (b)(4) is evidenced by a photocopy of a certificate of completion of any of the courses or classes described in subdivision (b)(4)(A); an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or required experience;

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(5) Pay an application and processing fee of sixty-five dollars (\$65.00) to the department; and

(6) Provide a signed printed copy of the form provided by the department, pursuant to subdivision (k)(4), stating that the applicant has read and understands the current state law on carrying handguns.

**AND FURTHER AMEND** by deleting subdivisions (k)(2) and (k)(3) in SECTION 5 and substituting instead the following:

(2) An explanation of the different handgun carry permits available;

(3) A list of various providers that conduct department-approved training courses or classes, pursuant to subdivision (b)(4)(A); and

(4) A printable form to be signed by the applicant pursuant to subdivision (b)(6).

On motion, Finance, Ways, and Means Committee Amendment No. 2, as House Amendment No. 3, was adopted.

Rep. Hodges moved that House Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Curcio moved that Judiciary Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Lynn moved the previous question, which motion prevailed by the following vote:

Ayes .....	67
Noes.....	28
Present and not voting.....	2

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Cepicky, Cochran, Coley, Crawford, Curcio, Daniel, Doggett, Eldridge, Farmer, Gant, Garrett, Griffey, Halford, Hall, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moody, Moon, Ogles, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Sherrell, Smith, Todd, Travis, Vaughan, Weaver, White, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--67

Representatives voting no were: Beck, Camper, Chism, Clemmons, Cooper, DeBerry, Dixie, Dunn, Faison, Freeman, Hakeem, Hardaway, Hodges, Jernigan, Johnson G, Lamar, Love, Miller, Mitchell, Parkinson, Potts, Powell, Shaw, Sparks, Staples, Stewart, Thompson, Van Huss--28

Representatives present and not voting were: Towns, Whitson--2



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Rep. Holt moved that **House Bill No. 1264**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	62
Noes.....	31
Present and not voting.....	1

Representatives voting aye were: Baum, Boyd, Byrd, Carr, Carter, Cepicky, Cochran, Crawford, Curcio, Daniel, Doggett, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Halford, Hall, Haston, Hawk, Helton, Hicks, Hill M, Hill T, Holt, Howell, Hulsey, Hurt, Johnson C, Keisling, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Moody, Moon, Ogles, Powers, Ragan, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Sherrell, Smith, Sparks, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--62

Representatives voting no were: Beck, Bricken, Calfee, Camper, Chism, Clemmons, Coley, Cooper, Dixie, Dunn, Freeman, Hakeem, Hardaway, Hazlewood, Hodges, Holsclaw, Jernigan, Johnson G, Lamar, Love, Marsh, Miller, Mitchell, Parkinson, Potts, Powell, Shaw, Staples, Stewart, Thompson, White--31

Representatives present and not voting were: DeBerry--1

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 1264** and have this statement entered in the Journal: Rep. Tillis.

### REGULAR CALENDAR, CONTIUNED

**\*House Bill No. 1274** -- Attorney General and Reporter - As introduced, expands the attorney general and reporter's duties to include representation of an LEA or certain LEA employees in a court or administrative tribunal arising out of the adoption of a policy requiring students, faculty, and staff to utilize the restroom, locker room, or other facility that corresponds to that individual's biological sex. - Amends TCA Title 8, Chapter 6. by \*Holt, \*Griffey, \*Ragan, \*Cochran. (SB1499 by \*Hensley)

Rep. Holt moved that House Bill No. 1274 be passed on third and final consideration.

Rep. Curcio requested that Judiciary Amendment No. 1 be placed at the heel of the amendments.

Rep. Lynn moved adoption of Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1274 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-6-109(b), is amended by adding the following language as a new subdivision:

( )

(A)

(i) To defend a local education agency (LEA) or an LEA's employees, in an employee's individual or official capacity, upon the LEA's or employee's formal request in writing, in any court or administrative tribunal arising out of an LEA's adoption of a policy designed to protect the privacy of students from exposure to others of the opposite biological sex in situations where students may be in various stages of undress by designating multi-person locker rooms, restrooms, or other facilities for use based only on one's biological sex. Such policy may make other appropriate accommodations for those who do not wish to use those facilities designated on the basis of biological sex;

(ii) In the event that the attorney general and reporter determines that the best interest of the state, or that of the LEA or employee, requires private counsel, the attorney general and reporter must notify the LEA or employee and the LEA or employee has the right to file for, and receive reimbursement of, defense costs in accordance with chapter 42 of this title in the same manner as state employees. The reimbursement is limited to an amount deemed reasonable by the attorney general and reporter for the defense of similar actions by counsel of like experience and ability;

(iii) The duty to defend an LEA or LEA's employees or the right to file for and receive reimbursement of defense costs pursuant to this subdivision (b)( ) does not apply to:

(a) Willful, malicious, or criminal acts or omissions;

(b) Acts or omissions done for personal gain; or

(c) An LEA policy that in the opinion of the attorney general and reporter is not constitutional upon consideration of definitive court decisions on the constitutionality of similar policies; and

(iv) As used in this subdivision (b)( ), "employee" or "employees" means an LEA's present or past director of schools, board members, teachers, or nonprofessional staff members; and

(B) Within existing resources, to advise the state board of education if the state board of education requests advice regarding the development of a model policy for use by an LEA that chooses to implement a policy on the use of multi-person locker rooms, restrooms, or other similar facilities for use based on one's biological sex.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2 was adopted.

Rep. Curcio moved that Judiciary Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Crawford moved the previous question, which motion prevailed by the following vote:

Ayes ..... 67  
Noes..... 29

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Cepicky, Cochran, Crawford, Curcio, Daniel, Doggett, Eldridge, Farmer, Gant, Garrett, Griffey, Halford, Hall, Haston, Hawk, Helton, Hicks, Hill M, Hill T, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Marsh, Moody, Moon, Ogles, Powers, Ragan, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Tillis, Todd, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--67

Representatives voting no were: Beck, Camper, Chism, Clemmons, Coley, Cooper, DeBerry, Dixie, Dunn, Faison, Freeman, Hakeem, Hardaway, Hodges, Jernigan, Johnson G, Lamar, Love, Lynn, Miller, Mitchell, Parkinson, Potts, Powell, Sparks, Staples, Stewart, Thompson, Towns--29

Rep. Holt moved that **House Bill No. 1274**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 72  
Noes..... 23  
Present and not voting..... 1

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Cepicky, Cochran, Crawford, Curcio, Daniel, DeBerry, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Garrett, Griffey, Halford, Hall, Haston, Hawk, Helton, Hicks, Hill M, Hill T, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Moody, Moon, Ogles, Powers, Ragan, Reedy, Rudd, Rudder, Russell, Sanderson,

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Sexton C, Sexton J, Sherrell, Smith, Sparks, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--72

Representatives voting no were: Beck, Camper, Chism, Clemmons, Cooper, Dixie, Freeman, Hakeem, Hardaway, Hodges, Jernigan, Johnson G, Lamar, Love, Miller, Mitchell, Parkinson, Potts, Powell, Shaw, Staples, Stewart, Thompson--23

Representatives present and not voting were: Coley--1

A motion to reconsider was tabled.

**\*House Bill No. 1410** -- Taxes - As introduced, clarifies the "Taxpayer Bill of Rights" to require that any tax applications and notices be written in plain language. - Amends TCA Title 4; Title 6; Title 7; Title 9; Title 13; Title 45 and Title 67. by \*Sherrell, \*Sexton C. (SB1462 by \*Bailey)

On motion, House Bill No. 1410 was made to conform with **Senate Bill No. 1462**; the Senate Bill was substituted for the House Bill.

Rep. Sherrell moved that Senate Bill No. 1462 be passed on third and final consideration.

Rep. Lynn moved that Finance, Ways and Means Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sherrell moved that **Senate Bill No. 1462** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes.....	0
Present and not voting.....	2

Representatives voting aye were: Baum, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, DeBerry, Dixie, Doggett, Dunn, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lamar, Lamberth, Leatherwood, Littleton, Love, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Mr. Speaker Casada--91

Representatives present and not voting were: Daniel, Lafferty--2

A motion to reconsider was tabled.

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**House Bill No. 1468** -- Agriculture - As introduced, authorizes the department of agriculture to provide notice of registered landrace varieties of hemp to licensed growers and processors via the department's website. - Amends TCA Title 4; Title 39, Chapter 17, Part 4; Title 43; Title 44, Chapter 6; Title 47, Chapter 26; Title 53; Title 67 and Title 68. by \*Hurt, \*Miller, \*Hardaway, \*Lamar. (\*SB888 by \*Niceley)

On motion, House Bill No. 1468 was made to conform with **Senate Bill No. 888**; the Senate Bill was substituted for the House Bill.

Rep. Hurt moved that Senate Bill No. 888 be passed on third and final consideration.

Rep. Halford moved that Agriculture and Natural Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Hurt moved that **Senate Bill No. 888** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	90
Noes.....	2

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Windle, Wright, Mr. Speaker Casada--90

Representatives voting no were: Mitchell, Stewart--2

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Senate Bill No. 888** and have this statement entered in the Journal: Rep. Staples.

REGULAR CALENDAR, CONTIUNED

**Senate Bill No. 1107** -- Traffic Safety - As introduced, establishes requirements for the operation of electric foot scooters. - Amends TCA Title 55, Chapter 1; Title 55, Chapter 10; Title 55, Chapter 12 and Title 55, Chapter 8. by \*Dickerson. (\*HB1220 by \*Potts, \*Lamar)

Further consideration of Senate Bill No. 1107, previously considered on April 18, 2019, April 22, 2019 and April 24, 2019, at which time the House substituted the Senate Bill for the House Bill and withdrew Amendment No. 1 and adopted Amendment No. 2.

Rep. Potts moved that **Senate Bill No. 1107**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	72
Noes.....	18
Present and not voting.....	1

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Chism, Clemmons, Coley, Cooper, Curcio, DeBerry, Dixie, Dunn, Farmer, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hodges, Holsclaw, Holt, Howell, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moon, Ogles, Parkinson, Potts, Powers, Ragan, Ramsey, Rudder, Russell, Sexton C, Shaw, Sherrell, Smith, Stewart, Thompson, Tillis, Towns, Travis, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Mr. Speaker Casada--72

Representatives voting no were: Cepicky, Cochran, Crawford, Daniel, Doggett, Faison, Gant, Hill M, Hill T, Hulsey, Hurt, Lafferty, Moody, Reedy, Sanderson, Sexton J, Todd, Van Huss--18

Representatives present and not voting were: Sparks--1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Senate Bill No. 1107** and have this statement entered in the Journal: Rep. Staples.

**REGULAR CALENDAR, CONTIUNED**

**House Bill No. 178** -- Highways, Roads and Bridges - As introduced, increases, from 10 to 30, the number of days a utility facility owner located in a state right-of-way has to respond to a second relocation notice and the number of days an owner has to file a reservation of rights notice with the department of transportation. - Amends TCA Title 54. by \*Howell, \*Hardaway, \*Lamberth, \*Griffey. (\*SB41 by \*Massey)

On motion, House Bill No. 178 was made to conform with **Senate Bill No. 41**; the Senate Bill was substituted for the House Bill.

Rep. Howell moved that Senate Bill No. 41 be passed on third and final consideration.

Rep. Griffey moved that Transportation Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Howell moved that **Senate Bill No. 41** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 92  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Faison, Farmer, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--92

A motion to reconsider was tabled.

**SPECIAL ORDER**

Without objection, Rep. Lamberth moved the House to take up House Bill No. 1508 from Message Calendar No. 2, out of order at this time as follows:

**MESSAGE CALENDAR NO. 2, CONTINUED**

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 1508** -- Appropriations - As introduced, makes appropriations for the fiscal years beginning July 1, 2018, and July 1, 2019. by \*Lamberth, \*Gant, \*Lynn, \*Holt, \*Hazlewood, \*Hicks, \*Sparks, \*Keisling, \*Shaw. (\*SB1518 by \*Johnson)

Rep. Lynn moved that the House concur in Senate Amendments Nos. 1, 2 and 3 to House Bill No. 1508.

**Senate Amendment No. 1**

AMEND House Bill No. 1508 By deleting each and every section of House Bill 1508 and by substituting instead new Sections 1 through 58, namely:

Sections 1 through 58 of Senate Bill 1518 as filed for introduction on March 11, 2019, and considered to be part of this amendment.

**Senate Amendment No. 2**

AMEND House Bill No. 1508 **ADMINISTRATION AMENDMENT**

by adding the following Sections between Sections 55 and 56 of the bill and by renumbering the Sections accordingly.

**ADDITIONAL 2019-2020 APPROPRIATIONS**

SECTION 56. Other Additions to Budget. In addition to the amounts appropriated in Sections 1 and 4 of this act, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to allocate the appropriations to the appropriate organizational units and to adjust federal aid and other departmental revenues and position authorizations accordingly. Full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

Item 1. General Fund and Education Fund Appropriations. The following appropriations are from the general fund and education fund, as applicable.

	<u>Recurring</u>	<u>Non-Recurring</u>
1. Court System – Indigent Task Force – Increase Hourly Rate to \$55/hr.	\$ 3,800,000	\$ 0
2. Court System – Judicial Assistants – Salary Funding	750,800	0
3. Attorney General – TBI Medicaid Fraud Positions – State Match	57,500	0
4. Attorney General – Recognize Environment and Conservation Change	330,000	0
5. District Attorneys General – Case Management System	0	344,900
6. District Attorneys General – Additional Staffing (9 FT)	634,800	41,400
7. Commission on Aging and Disability – Public Guardian Program	1,000,000	0
8. State Museum – Rent	358,900	0
9. Finance & Administration – MyTN App	1,600,000	2,600,000
10. Finance & Administration – Internal Audit (1FT)	250,000	0
11. Agriculture – Chronic Wasting Disease	50,000	0
12. Tourist Development – Marketing and Office of Rural Initiatives	0	1,500,000



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13. Correction – Hepatitis C Treatment – Increase	0	24,678,700
14. Economic and Community Development – Launch TN – Additional Funding	0	800,000
15. Economic and Community Development – Economic & Community Development Grants	0	3,000,000
16. Economic and Community Development – Film and TV Incentive Fund – Grants	0	2,000,000
17. Education – State Board of Education – Operations	100,000	0
18. Education – National Career Readiness Certificate Pilot Program	0	450,000
19. Education – Literacy Coaching – Pilot	0	1,800,000
20. Education – Online Literacy Standard Tool and Ready with Resources Content – Training and Support	0	1,000,000
21. Higher Education – ETSU Rural Public Health Project – Faculty Recruitment	750,000	750,000
22. Higher Education – Mechatronics Program	0	1,000,000
23. Higher Education – TSU McMinnville Center - Nursery	800,000	0
24. Higher Education – TSU McMinnville Center - Maintenance	0	550,000
25. Health – Tobacco Use Prevention Media Campaign – Grants	0	2,000,000
26. Mental Health and Substance Abuse Services – Pre-Arrest Diversion Infrastructure – Transfer to Capital	0	(1,500,000)
27. Mental Health and Substance Abuse Services – In-patient Cost Support	0	1,000,000
28. Military – TEMA Disaster Relief	0	4,000,000
29. Safety – Temporary Part-Time Driver License Examiners – REAL ID	0	400,000
30. Safety – Legal Division (6 FT)	0	0
31. Miscellaneous Appropriations – Salary – Market Rate Adjustment – Increase	7,500,000	0
32. Miscellaneous Appropriations – Real Estate Master Plan – Increase	0	1,500,000
33. Miscellaneous Appropriations – Van Buren County – Grant	0	200,000
34. Miscellaneous Appropriations – Henry County – Grant	0	200,000
35. Miscellaneous Appropriations – Consulting/Study – Governor's Efficiency Initiatives	0	4,000,000
36. Miscellaneous Appropriations – Memphis Riverfront Development - Grant	0	10,000,000
37. Miscellaneous Appropriations – Aeronautics Economic Development Fund	0	5,000,000

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38.	Miscellaneous Appropriations – The Radioactive Material International Training Center and Educational Center	0	8,250,000
39.	Miscellaneous Appropriations – Helen Ross McNabb Center – Grant	0	150,000
40.	Miscellaneous Appropriations – National Museum of African American Music – Grant	0	3,000,000
41.	Miscellaneous Appropriations – Save the Children – Literacy – Grant	0	1,000,000
42.	Miscellaneous Appropriations – Science Alliance of TN – Grant	0	300,000
43.	Miscellaneous Appropriations – Big Brothers Big Sisters – Grant	0	250,000
44.	Miscellaneous Appropriations – Tennessee Girl Scouts Council – Grant	0	71,400
45.	Miscellaneous Appropriations – Youth About Business – Grant	0	250,000
46.	Miscellaneous Appropriations – Jobs for TN Graduates – Grants	0	1,500,000
47.	Miscellaneous Appropriations – Project Return – Grant	0	500,000
48.	Miscellaneous Appropriations – Center for Employment Opportunities – Grant	0	150,000
49.	Miscellaneous Appropriations – TN Anti-Slavery Alliance – Grant	0	375,000
50.	Miscellaneous Appropriations – Families Free – Grant	0	150,000
51.	Miscellaneous Appropriations – YWCA of Knoxville – Grant	0	100,000
52.	Miscellaneous Appropriations – Chattanooga Endeavors – Grant	0	110,000
53.	Miscellaneous Appropriations – YWCA of Memphis – Grant	0	100,000
54.	Miscellaneous Appropriations – Memphis Music Banq – Grant	0	50,000
55.	Miscellaneous Appropriations – Lipscomb Life – Grant	0	121,100
56.	Miscellaneous Appropriations – Men of Valor – Grant	0	500,000
57.	Miscellaneous Appropriations – Hunters for the Hungry – Grant	0	100,000
58.	Miscellaneous Appropriations – Community Grant – Town of Smyrna – Playground for children with disabilities	0	75,000
59.	Miscellaneous Appropriations – Community Grant – Columbia State CC – Capital – Planning new Technology Building – Williamson County Campus	0	700,000
60.	Miscellaneous Appropriations – Community Grant – South Central TN	0	5,000

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	Workforce Alliance – Maury Co. Imagination Library		
61.	Miscellaneous Appropriations – Community Grant – Spring Hill Public Library – Summer Reading Pilot Program	0	10,000
62.	Miscellaneous Appropriations – Community Grant – City of Charlotte – Charlotte Ballpark Lighting	0	30,000
63.	Miscellaneous Appropriations – Community Grant – Annesdale Snowden Neighborhood Association – Memphis – Betterment	0	50,000
64.	Miscellaneous Appropriations – Community Grant – Lawrenceburg Fire Dept. – Jason Dickey Memorial Regional Training Center for Fire Rescue	0	136,000
65.	Miscellaneous Appropriations – Community Grant – Johnson County Schools – Robotics Program	0	25,000
66.	Miscellaneous Appropriations – Community Grant – DCS – Grants to organizations that care for children awaiting foster care placement	0	100,000
67.	Miscellaneous Appropriations – Community Grant – City of Bartlett – Paving walking paths near Quail Ridge and Rocky Ford parks	0	110,000
68.	Miscellaneous Appropriations – Community Grant – Harpeth Scholastic Shooting Complex Foundation – Skeet and Trap House Construction	0	175,000
69.	Miscellaneous Appropriations – Community Grant – Dream Center of Jackson – Individuals in Recovery	0	25,000
70.	Miscellaneous Appropriations – Community Grant – Boys and Girls Club of Jackson – Programs and Education	0	5,000
71.	Miscellaneous Appropriations – Community Grant – City of Spencer	0	60,000
72.	Miscellaneous Appropriations – Community Grant – Union City Industrial Development Board	0	135,000
73.	Miscellaneous Appropriations – Community Grant – Lynnville Area Arts Association – Star Theatre and Antoinette Hall – Restoration	0	550,000
74.	Mental Health and Substance Abuse Services – Women's Residential Recovery Court – From Court System	285,000	0
75.	Court System – Women's Residential Recovery Court – To Mental Health and	(285,000)	0

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Substance Abuse Services (-2 FT)		
76. Education – Grants-In-Aid – Niswonger Foundation Grant – To Northeast State Community College	0	(100,000)
77. Higher Education – Northeast State Community College – Niswonger Foundation Grant – From Education	0	100,000
<b>Total</b>	<b>\$ 17,982,000</b>	<b>\$ 86,533,500</b>

The appropriation in this item to the Department of Economic and Community Development for Economic & Community Development grants is for the sole purpose of making rural and community grants for capital expenditures, repairs, maintenance, or operations to local governments or non-profit public education, public safety, library, community, or recreational service entities. The Commissioner of Finance and Administration shall approve such grants before said grants shall be disbursed.

The appropriation in this item to Miscellaneous Appropriations for a grant to Science Alliance of TN is for the sole purpose of making a grant in equal amounts to each of the Science Alliance Museums.

The appropriation in this item to Miscellaneous Appropriations for a grant to Big Brothers Big Sisters shall be distributed equally among the following five (5) Big Brothers Big Sisters programs in Tennessee: (a) Big Brothers Big Sisters of Clarksville, (b) Big Brothers Big Sisters of Greater Chattanooga, (c) Big Brothers Big Sisters of East Tennessee, (d) Big Brothers Big Sisters of the Mid-South, Inc., and (a) Big Brothers Big Sisters of Middle Tennessee.

The appropriation in this item to Miscellaneous Appropriations for a grant to Jobs for Tennessee Graduates, Inc., is for the sole purpose of providing a one-credit course, general elective to twelfth grade at-risk high school students.

The appropriation in this item to Miscellaneous Appropriations for a grant to TN Anti-Slavery Alliance is for the sole purpose of providing grants to the three (3) single point of contact agencies in Tennessee recognized by the Tennessee Bureau of Investigation and the Department of Children's Services to facilitate the provision of comprehensive wraparound services to victims of human trafficking recovered in Tennessee. The services funded in this item shall include, but not be limited to, safe housing, medical care, mental health and substance abuse care, transportation, job training, and other basic human needs. The grants shall be distributed in equal amounts to the following agencies: (a) Grow Free Tennessee in Knoxville, (b) Restore Corps in Memphis, and (a) End Slavery Tennessee in Nashville.

The appropriation in this item to Miscellaneous Appropriations for a grant to Families Free is for the sole purpose of providing services to mothers and children affected by neonatal abstinence syndrome.

SECTION 57. Legislation. In addition to the appropriations in Sections 1 and 4 of this act, the following amounts hereby are appropriated for the purpose of implementing the cited bills, and such additional or lesser amounts indicated in the final fiscal note on the bills as enacted are hereby appropriated. The Commissioner of Finance and Administration is authorized to allocate the appropriations to the appropriate organizational units and to adjust federal aid and other departmental revenues and authorized positions accordingly. Federal and other departmental revenue adjustments may be made in reconciliation to said fiscal notes and to available federal aid and other departmental revenue. Adjustments to the number of authorized positions indicated in the line items as full-time (FT), part-time (PT), and seasonal shall be reconciled to the fiscal notes. The negative amounts in line-items of this section are appropriation reductions, and the positive amounts are appropriation increases. The appropriation in each item of this section is subject to the bill cited in that item becoming a law, except as otherwise provided.

Item 1. General Fund and Education Fund Appropriations. The following appropriations are from the general fund and education fund, as applicable.

	<u>Recurring</u>	<u>Non-Recurring</u>
1. SB 10 / HB 2 – Correction – Incarceration – JuJuan Latham Act	\$ 138,900	\$ 0
2. SB 302 / HB 1075 – Agriculture – Wine and Grape Board	0	300,000
3. SB 578 / HB 642 – Public Defenders – Appellate Division – Fiscal Note Reconciliation	4,300	(10,200)
4. SB 579 / HB 643 – Miscellaneous Appropriations – Transportation for mental health patients	4,000,000	0
5. SB 795 / HB 939 – Education Savings Accounts – NR Reduction	0	(24,678,700)
6. SB 796 / HB 940 – Public Charter School Commission – Appellate Charter School Authorizer	701,600	250,000
7. SB 797 / HB 941 – District Attorneys – Expungement Fees	0	144,000
8. SB 798 / HB 942 – Correction – Incarceration – Fentanyl Classification – Fiscal Note Reconciliation	2,304,500	0
9. SB 799 / HB 943 – District Attorneys – Service Credits – Fiscal Note Reconciliation	87,100	11,900
10. SB 799 / HB 943 – District Public Defenders – Service Credits – Fiscal Note Reconciliation	84,200	16,500
11. SB 799 / HB 943 – Human Services for District Attorneys – Service Credits – Fiscal Note Reconciliation	10,000	0
12. SB 801 / HB 945 – Agriculture Education	0	10,100

Task Force – Fiscal Note Reconciliation		
13. SB 1516 / HB 1509 – Budget Implementation – General Law Changes – Estimated @ \$0	0	0
<b>Total</b>	<b>\$ 7,330,600</b>	<b>\$ (23,956,400)</b>

Item 2. Dedicated Source and Earmarked Appropriations. The following appropriations are from dedicated state revenue sources and departmental revenues.

	<u>Recurring</u>	<u>Non-Recurring</u>
1. SB 251 / HB 174 – Commerce & Insurance – Fire Prevention Fund – Transfer to TBI	\$ (3,500,000)	\$ 0
2. SB 251 / HB 174 – Tennessee Bureau of Investigation – Fire Prevention Fund – Transfer from Commerce & Insurance	3,500,000	0
3. SB 805 / HB 949 – Lottery for Education Account – GIVE Act	(4,000,000)	0
4. SB 806 / HB 950 – Treasurer – Electronic Monitoring Indigency Fund	90,600	0
5. SB 474 / HB 771 – TennCare – Hospital Assessment – Fiscal Note Reconciliation	0	144,637,600
6. SB 1349 / HB 527 – TennCare – Ambulance Service Provider Assessment – Fiscal Note Reconciliation	0	1,046,200
<b>Total</b>	<b>\$ (3,909,400)</b>	<b>\$ 145,683,800</b>

SECTION 58. Cost Increase Reductions. The appropriations in Section 1 of this act, except as otherwise provided herein, hereby are reduced in the following amounts for the purpose of deleting cost increase appropriations and positions that had been recommended in the 2019-2020 Budget Document, and the Commissioner of Finance and Administration is authorized to allocate the appropriation reductions to the appropriate organizational units and to adjust federal aid and other departmental revenues and authorized positions accordingly.

Item 1. The appropriation in Section 1, Title III-9, Item 2.1c, Basic Education Program, is hereby reduced by \$6,800,000 recurring.

Item 2. The appropriation in Section 1, Title III-9, Item 3, College, Career and Technical Education, is hereby reduced by \$1,000,000 recurring.

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Item 3. The appropriation in Section 1, Title III-11, Item 8, Tennessee Law Enforcement Training Academy, hereby is reduced in the amount of \$22,200 recurring.

Item 4. The appropriation in Section 1, Title III-20, Item 3, Tennessee Highway Patrol, hereby is reduced in the amount of \$1,426,800 recurring.

Item 5. The appropriation in Section 1, Title III-22, Item 11.1, Administration Amendment, hereby is reduced in the amount of \$20,000,000, with \$10,000,000 being recurring and \$10,000,000 being non-recurring.

### **ADDITIONAL 2018-2019 SUPPLEMENTAL APPROPRIATIONS**

SECTION 59. Other 2018-2019 Supplemental Appropriations. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it. There is hereby appropriated the following amounts, which shall be in addition to the appropriations provided under Chapter 1061, Public Acts of 2018, and in Section 38 of this act.

Item 1. To the Attorney General and Reporter, Special Litigation, the amount in Section 38 of this act is hereby increased in the amount of \$500,000 for an operating supplement.

Item 2. To the State Museum, the amount of \$269,200 for rent.

Item 3. To the Department of Economic and Community Development, the amount of \$116,200 for Lift TN.

Item 4. To the Department of Education, the amount of \$5,000,000, for Read to Be Ready summer camps.

### **CAPITAL OUTLAY – ADDITIONAL PROVISIONS**

SECTION 60. Capital Outlay Additional Provisions. The following provisions are in addition to other provisions of this act concerning the capital outlay budget and the facilities revolving fund capital outlay budget.

Item 1. The provisions of this item shall take effect upon becoming a law, the public welfare requiring it. There is hereby appropriated the following amounts, which shall be in addition to the appropriations provided in Chapter 1061, Public Acts of 2018.

(a) Department of Commerce and Insurance – Fire Academy New Conference Center – Additional Funds, in the amount of \$700,000.

Item 2. In addition to the capital outlay projects listed on pages A-131 through A-132 of the 2019-2020 Budget Document and in Section 1, Title III-33 of this act, the following hereby are funded.

(a) Department of Veterans Services – Upper Cumberland Veterans Cemetery – Architectural and Planning, in the amount of \$775,000. The projected total cost of the project is \$7,750,000 with the balance of project cost being federal funds.

(b) University of Memphis – Lambuth Campus – Classroom Conversion, in the amount of \$5,760,000. Further, an amount of \$240,000 is hereby appropriated from other funding.

(c) Department of General Services – Pre-Arrest Diversion Infrastructure – Capital Grants, in the amount of \$1,500,000.

Said funds herein appropriated to the Department of General Services shall be expended for the purpose of making a grants to governmental entities and certain not-for-profit organizations for the projects and expended for the purpose of acquisition of equipment and acquisition, site preparation, erection, construction and equipment of sites and buildings, and infrastructure improvements and development including but not limited to sewer, water, utility infrastructure, and rail infrastructure, whether or not such infrastructure is owned by the governmental entities and certain not-for-profit organizations.

The Department of Mental Health and Substance Abuse Services, in consultation with the Department of Finance and Administration, shall recommend to the Department of General Services to whom such grants shall be disbursed.

Such grants shall be made by the Department of General Services only if such grants are approved by the State Building Commission. Such grants so identified and approved are determined to be for a public purpose for the reasons and findings previously set forth.

Item 3. In addition to the capital maintenance projects listed on pages A-133 through A-134 of the 2019-2020 Budget Document and in Section 1, Title III-33 of this act, the following hereby are funded. Positive amounts are additional appropriations and negative amounts are reductions. Further, other revenue is from the higher education capital maintenance pool of funds.

	<u>Appropriation</u>	<u>Other Revenue</u>
1. Austin Peay State University – Campus Boiler Installation Phase 1	\$ (1,201,000)	\$ 0
2. Austin Peay State University – Chiller and Cooling Tower Replacement	(1,250,000)	0
3. Austin Peay State University – Fire Alarm Upgrades	920,000	0
4. East Tennessee State University – Campus HVAC Upgrades	1,140,000	0
5. East Tennessee State University – Chiller	400,000	0



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	Replacement		
6.	Middle Tennessee State University – KOM Mechanical, HVAC, Fire Protection, Light & Ceiling Upgrades	(4,283,000)	0
7.	Middle Tennessee State University – Stark Ag/Police Station Mechanical and HVAC Upgrades	1,965,000	0
8.	Middle Tennessee State University – Campus Stormwater BMP Phase I	450,000	0
9.	Middle Tennessee State University – Miller Education Center Boiler Replacement	400,000	0
10.	Tennessee State University – Power Plant Equipment and Lighting Upgrades	1,111,000	0
11.	Tennessee State University – Boswell Doors Replacement	230,000	0
12.	Tennessee Technological University – Roof Replacements Phase 3	(2,575,000)	0
13.	Tennessee Technological University – Multiple Buildings Upgrades	(1,540,000)	0
14.	University of Memphis – Multiple Buildings Interior Repairs	105,000	0
15.	Tennessee Board of Regents – VSCC Chiller Replacement	0	(52,000)
16.	Tennessee Board of Regents – PSCC Alarm System Upgrades	0	(700,000)
17.	Tennessee Board of Regents – TCAT Jacksboro Door and Window Replacements	0	(140,000)
18.	Tennessee Board of Regents – TCAT Parking and Paving Repairs	0	(730,000)
19.	Tennessee Board of Regents – STCC Exterior Safety Repairs and Updates	0	(1,550,000)
20.	Tennessee Board of Regents – TCAT Maintenance Repairs	0	(580,000)
21.	Tennessee Board of Regents – WSCC Sevier County Campus Reroof	0	(1,000,000)
22.	Tennessee Board of Regents – JSCC McWherter HVAC Updates Phase 2	0	(340,000)
23.	University of Tennessee – Statewide Facilities Assessment	1,000,000	0
24.	University of Tennessee – UTHSC Elevator Upgrades	3,128,000	5,092,000
<b>Total</b>		<b>\$ 0</b>	<b>\$ 0</b>

Item 4. In addition to the capital maintenance projects listed on pages A-133 through A-134 of the 2019-2020 Budget Document and in Section 1, Title III-33 of this act, the following hereby are funded.

(a) Department of General Services – Campuses Study and Planning for Intellectual and Developmental Disabilities Services, in the amount of \$250,000.

(b) Department of Veterans Services – East Tennessee Veterans Cemetery Lyons View – Permanent Alignment System Installation, in the amount of \$2,820,000 from federal funds.

Item 5. The request for the TCAT Athens and Cleveland Higher Education Center in the amount of \$17,750,100, as identified on page A-131 of the 2019-2020 Budget Document, is hereby renamed McMinn County Higher Education Training Facility.

### **SECTION 1 – STATE APPROPRIATIONS**

AND FURTHER AMEND in Section 1, Title III-6 by deleting the language:

3. Wetlands Acquisition Fund ..... 14,728,000.00

And substituting instead the following:

3. Wetlands Acquisition Fund ..... 14,278,000.00

### **SECTION 2 – CAPITAL OUTLAY AND MAJOR MAINTENANCE**

AND FURTHER AMEND in Section 2 by inserting the following new item at the end of the Section:

Item \_\_. It is the legislative intent to transfer the balance of the \$12,000,000 previously transferred from the reserve for unencumbered balances in Section 2, Item 23 of Chapter 460, Public Acts of 2017 for the project identified as SBC Project No. 529/005-01-2005 to the capital projects fund back to the reserve for unencumbered balances after the project is closed out. The Commissioner of Finance and Administration shall certify the status of the project before making said transfer.

### **SECTION 7 – EARMARKED APPROPRIATIONS**

AND FURTHER AMEND in Section 7 by inserting the following new items at the end of the Section:

Item \_\_. Department of Education, College, Career and Technical Education, the amount of \$1,829,900 for a college and career readiness testing retake.

Item \_\_. Department of Education, College, Career and Technical Education, the amount of \$150,000, non-recurring, for a grant to YouScience. This item is to be allotted as a direct appropriation to YouScience.

Item \_\_. Department of Education, Academic Offices, the amount of \$4,500,000, non-recurring, for a grant to Communities in Schools of Tennessee. This item is to be allotted as a direct appropriation to Communities in Schools of Tennessee.

AND FURTHER AMEND in Section 7, Item 50 by deleting the language "(1) forest fire control in the Division of Forestry" and substituting instead the language "(1) assistance related to natural disasters, including but not limited to, forest fires, floods, and tornadoes,".

#### **SECTION 10 – PROVISIONS, LIMITATIONS, AND RESTRICTIONS ON APPROPRIATIONS**

AND FURTHER AMEND in Section 10 by deleting item 18 and re-numbering the subsequent items accordingly.

#### **SECTION 21 – DIRECT APPROPRIATIONS TO NON-GOVERNMENTAL ENTITIES**

AND FURTHER AMEND in Section 21 by deleting the Section in its entirety and substituting instead the following:

SECTION 21. Direct Appropriations to Non-Governmental Entities – Provisions. Notwithstanding any provision of this act to the contrary, a direct appropriation to a non-governmental agency or entity shall not be disbursed until the recipient has filed with the head of the agency through which such disbursement is being made a plan specifying the proposed use of such funds and the benefits anticipated to be derived therefrom, and has agreed to file two interim reports to be delivered by October 1 and March 1 of the use of such funds. As a prerequisite to the receipt of such direct appropriation, the recipient shall agree to provide to the agency head, within ninety (90) days of the close of the fiscal year within which such direct appropriation was received, an accounting of the actual expenditure of such funds, and benefits derived, including a notarized statement that the report is true and correct in all material respects; provided, however, that the head of the agency through which such disbursement is being made may require, in lieu of the accounting as provided above, an audited financial statement of the non-governmental agency or entity. A copy of such accounting or audit, as the case may be, shall be filed with the Office of the Comptroller of the Treasury.

#### **HIGHER EDUCATION DISCLOSED CAPITAL OUTLAY**

#### **FROM SCHOOL BONDS AND INSTITUTIONAL SOURCES**

AND FURTHER AMEND in Section 29 by deleting Item 29 and substituting instead the following:

Item 29. The capital outlay projects listed in the 2019-2020 Budget Document and which are identified with the heading "Proposed Capital Projects from School Bonds and Other Sources, Fiscal Year 2019-2020," are presented for informational purposes only. The projects are subject to recommendation and approval procedures involving the higher education institutions and their governing boards, the Tennessee Higher Education Commission, Finance and Administration, the Tennessee State School Bond Authority, the State Funding Board and the State Building Commission.

The following proposed capital outlay projects, to be funded from school bonds, institutional/auxiliary and other funds, are in addition to those projects listed on pages A-136 and A-137 in the 2019-2020 Budget Document:

**State University and Community College System  
(Locally Governed Institutions):**

**Austin Peay State University:**

Blount and Sevier Hall Boiler Installation	\$	850,000
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**Tennessee Technological University:**

Food Service Improvements	\$	3,000,000
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**University of Memphis:**

Food Service Dining Improvements	\$	5,000,000
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Field House Improvements	2,800,000
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Lambuth Campus Rehab	6,000,000
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Larry Finch Plaza	500,000
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Memorial Field Artificial Turf	900,000
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Park Campus Demolitions	800,000
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Student Housing Improvements	1,800,000
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Tennis Facility	3,000,000
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Volleyball Improvements	750,000
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Total UoM	\$	21,550,000
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**Total State University and Community College  
System (Locally Governed Institutions)**

\$	25,400,000
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**University of Tennessee:**

**UT Knoxville:**

Administration Parking Garage Renovation	\$	15,000,000
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Bass Building Renovation	1,000,000
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Campus Roadway Paving (19-20)	2,000,000
Carousel Theatre Replacement	15,000,000
Emergency Generators Replacement	4,000,000
Fleet Management Buildings Renovation	4,630,000
Public Safety Building Renovation	6,250,000
Research/Academic Lab Storage Building	1,000,000
White Avenue Parking Garage Renovation	5,000,000
Total UTK	<u>\$ 53,880,000</u>

**UT Chattanooga:**

Apartment Electrical Distribution Upgrade	\$ 580,000
Fletcher Hall Renovations	3,000,000
Total UT Chattanooga	<u>\$ 3,580,000</u>

**UT Institute of Agriculture:**

Cherokee Animal Facility Bldg. A Renovation	\$ 3,700,000
West TN 4-H Center Cabins and STEM Center	10,000,000
Total UT Institute of Agriculture	<u>\$ 13,700,000</u>

<b>Total University of Tennessee</b>	<b><u>\$ 71,160,000</u></b>
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<b>Grand Total</b>	<b><u>\$ 96,560,000</u></b>
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**SECTION 36 – CARRY-FORWARD AND APPROPRIATION OF CERTAIN UNEXPENDED BALANCES**

AND FURTHER AMEND in Section 36 by inserting the following new items at the end of the Section:

Item \_\_\_\_\_. To the Department of Children's Services, Family Support Services, in Section 1, Title III-23, Item 2, the unexpended balance of the \$175,000 appropriation for Zero to Three courts.

Item \_\_\_\_\_. To the Department of Education, in Section 59, Item 4 of this act, for Read to Be Ready summer camps.

**SECTION 39 – PROGRAM EXPANSIONS**

**FROM FEDERAL AND OTHER DEPARTMENTAL REVENUE**

AND FURTHER AMEND by deleting Section 39 in its entirety and inserting the following as a new Section 39:

SECTION 39. Program Expansions from Federal and Other Departmental Revenue. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. At June 30, 2019, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 2019.

There is hereby appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	<u>2018-2019</u>	<u>2019-2020</u>
Agriculture		
1. Consumer and Industry Services – Hemp Program Expansion	<u>\$ 118,800</u>	<u>\$ 749,700</u>
<b>Total</b>	<b><u>\$ 118,800</u></b>	<b><u>\$ 749,700</u></b>

The Commissioner of Finance and Administration is authorized to establish seven (7) full-time positions and to allocate them to the Department of Agriculture.

**SECTION 41 – PROVISIONS CONCERNING CERTAIN APPROPRIATIONS**

AND FURTHER AMEND in Section 41 by inserting the following new item to the end of the section:

Item \_\_\_\_\_. From the unexpended balance of the non-recurring appropriation in Section 57, Item 21 of Chapter 963, Public Acts of 2006 and reappropriated in Section 32, Item 2 of Chapter 1061, Public Acts of 2018 for biofuels projects, an amount not to exceed \$612,600 is hereby reappropriated and transferred to the Department of Agriculture for the same purpose. Any unexpended balance at June 30, 2019 is hereby reappropriated to be expended in the 2019-2020 fiscal year and such appropriations shall be carried forward in a reserve in the fiscal year beginning July 1, 2019.

**SECTION 43 – OVER-APPROPRIATION – ESTIMATED REVERSION TO GENERAL FUND**

AND FURTHER AMEND in Section 43, Item 1(a) by deleting the item in its entirety and substituting instead the following:

(a) In fiscal year 2018-2019 to recognize an over-appropriation of \$126,808,500, including a base recurring over-appropriation of \$76,808,500 and a non-recurring over-appropriation of \$50,000,000.

**SECTION 49 – SALARY POLICY**

AND FURTHER AMEND in Section 49, Item 5(a) by deleting the item in its entirety and substituting instead the following:

(a) It is the legislative intent to provide funding for a salary increase for the survey portion of the commissioned officer pay plan in the Department of Safety and the Tennessee Law Enforcement Training Academy as referenced in Tennessee Code Annotated, Section 4-7-205, effective July 1, 2019. The funding for such salary increase is hereby earmarked from the appropriation made in Section 1, Title III-22, Item 4.5, Market Rate Adjustment.

**SECTION 54 – HOSPITAL COVERAGE ASSESSMENT**

AND FURTHER AMEND in Section 54, Item 1 by deleting the item in its entirety and substituting instead the following:

Item 1.

(a) If Senate Bill No. 0474 / House Bill No. 0771, the annual coverage assessment act, becomes a law, there hereby is appropriated from the appropriations in Section 1, Title III-26 and Section 57, of this act, the sum of \$591,408,600 (non-recurring) to the TennCare Program for the following purposes, and the Commissioner of Finance and Administration is authorized to adjust federal and other departmental revenue accordingly; provided, however, that if the federal government disallows the coverage assessment as a valid source to match federal Medicaid funds, the appropriations in this Item 1(a) shall be null and void, and the appropriations in Section 1, Title III-26 and Section 57 shall be reduced accordingly. If the cited bill does not become a law, the appropriations in Section 1, Title III-26 and Section 57 of this act, are hereby reduced in the amount of \$591,408,600.

<u>Description</u>	<u>Amount</u>
Uncompensated Charity and Self-Pay Sub Pool..... \$	49,901,200
Virtual Disproportionate Share Hospital Payments ..	68,115,600
Graduate Medical Education .....	17,312,500
Tennessee Center for Health Workforce Development	750,000
Medicare Part A Reimbursement.....	12,309,300
Provider Reimbursement and Co-Pay .....	68,581,400
Hospital Reimbursement Ceiling .....	8,168,700
In-Patient Services .....	47,167,000

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Lab and X-Ray Procedures .....	14,564,000
Therapies .....	9,780,000
Out-Patient Services .....	36,935,700
Office Visits .....	20,763,800
Match for ADT Contract Payments .....	275,000
Charity Care Fund .....	9,002,500
Directed Hospital Payments .....	210,693,100
Non-Emergent Care at Hospitals .....	581,300
Loss of Certified Public Expenditures Match.....	14,430,000
340B Pricing Provision – MCO Contractor Agreement	<u>2,077,500</u>
Total .....	\$ <u>591,408,600</u>

(b) There is further appropriated to the TennCare Program, in addition to the appropriation, Directed Hospital Payments, a sum sufficient from any amount in excess of \$591,408,600 collected from the coverage assessment for the purpose of hospital payments for unreimbursed costs.

(c) To the extent that revenue collected from the coverage assessment is less than \$591,408,600, the appropriation, Directed Hospital Payments, hereby is reduced in the amount of the under-collection.

(d) From the funds available in TennCare maintenance of coverage trust fund at June 30, 2019, there hereby is appropriated to the TennCare program a sum sufficient for the purposes authorized in law. The Commissioner of Finance and Administration is authorized to adjust federal and other departmental revenue accordingly. The allotment of funds under this item is subject to approval of the Commissioner of Finance and Administration.

**HOUSEKEEPING –**

**TYPOGRAPHICAL, NAME, DATE, AND CITATION CORRECTIONS**

AND FURTHER AMEND in Section 54, Item 2(a) by deleting the language "Senate Bill No. \_\_\_\_ / House Bill No. \_\_\_\_" and inserting "Senate Bill No. 1201 / House Bill No. 0557";



AND FURTHER AMEND in Section 54, Item 3(a) by deleting the language "Senate Bill No. \_\_\_\_ / House Bill No. \_\_\_\_" and inserting "Senate Bill No. 1349 / House Bill No. 0527";

AND FURTHER AMEND by requesting the Engrossing Clerk to:

- (1) Delete the bold underlined explanatory headings in this amendment; and
- (2) Exclude this paragraph from the engrossed bill.

**Senate Amendment No. 3**

AMEND House Bill No. 1508 **LEGISLATIVE AMENDMENT**

**LEGISLATIVE ADJUSTMENTS**

by deleting Section 56, Item 1, line item 42, and substituting instead the following:

42. Miscellaneous Appropriations – Science Alliance of TN – Grant	0	360,000
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**AND FURTHER AMEND** by deleting Section 56, Item 1, line item 72, and substituting instead the following:

72. Miscellaneous Appropriations – Community Grant – Union City Industrial Development Board	0	350,000
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**AND FURTHER AMEND** by deleting Section 56, Item 1, line item 15, and substituting instead the following:

15. Economic and Community Development – Economic & Community Development Grants	0	4,000,000
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**AND FURTHER AMEND** by deleting Section 56, Item 1, line item 33, and substituting instead the following:

33. Miscellaneous Appropriations – Van Buren County – Grant	0	160,000
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**REDUCE JOBS FOR TN GRADUATES**

**AND FURTHER AMEND** by deleting Section 56, Item 1, line item 46, and substituting instead the following:

46. Miscellaneous Appropriations – Jobs for TN Graduates – Grants	0	750,000
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**AND FURTHER AMEND** in Section 56, Item 1 Total, by deleting the amount "86,533,500" and substituting instead the amount "87,018,500".

**REDUCE INDIGENT TASK FORCE**

**AND FURTHER AMEND** by deleting Section 56, Item 1, line item 1, and substituting instead the following:

1. Court System – Indigent Task Force – Increase Hourly Rate.	\$ 1,600,000	\$ 0
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**AND FURTHER AMEND** in Section 56, Item 1 Total, by deleting the amount "17,982,000" and substituting instead the amount "15,782,000".

**AND FURTHER AMEND** in Section 56, Item 1, by deleting the following language:

The appropriation in this item to Miscellaneous Appropriations for a grant to Big Brothers Big Sisters shall be distributed equally among the following five (5) Big Brothers Big Sisters programs in Tennessee: (a) Big Brothers Big Sisters of Clarksville, (b) Big Brothers Big Sisters of Greater Chattanooga, (c) Big Brothers Big Sisters of East Tennessee, (d) Big Brothers Big Sisters of the Mid-South, Inc., and (a) Big Brothers Big Sisters of Middle Tennessee.

and substituting instead the following new language:

The appropriation in this item to Miscellaneous Appropriations for a grant to Big Brothers Big Sisters shall be distributed proportionally to all Big Brothers Big Sisters agencies in Tennessee, based on the number of children served by each agency, with distribution to be made through Big Brothers Big Sisters of Middle Tennessee.

**AND FURTHER AMEND** by adding the following new sections immediately following Section 60 and renumbering the subsequent sections accordingly:

**DEDICATED SOURCE & EARMARKS & REDUCTIONS**

**SECTION 61.**

Item 1. From the funds appropriated or available to any department, commission, board, agency, or other entity of state government, there is earmarked or appropriated, as applicable, a sum sufficient to fund any bill or

resolution that becomes law, having an estimated first year's cost of \$50,000 or less, that is attributable to a specific entity or from a specific fund, and is not otherwise funded in this act.

Item 2. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of funding any joint resolution calling for an amendment to the Tennessee Constitution that is not otherwise funded in this act.

### **RECONCILE LEGISLATIVE INITIATIVES**

Item 3. The appropriation in Section 1, Title III-22, Item 11.2, Legislative Initiatives, is reduced in the amount of \$15,000,000, with \$5,000,000 being recurring and \$10,000,000 being non-recurring.

### **REALLOCATION OF LEGISLATIVE APPROPRIATION**

Item 4. The appropriation in Section 1, Title I-1, Item 1.4, is reduced by the amount of \$4,620,000.

Item 5. The appropriation in Section 1, Title I-1, Item 1.2, is increased by the amount of \$2,946,000.

Item 6. The appropriation in Section 1, Title I-1, Item 1.3, is increased by the amount of \$1,674,000.

### **REDUCE FACILITIES REVOLVING FUND (FRF) BY HALF**

Item 7. The appropriation made to the Facilities Revolving Fund for a Davidson County rent adjustment identified on Page B-19 of the 2019-2020 Budget Document, is reduced by the sum of \$2,338,850 (recurring). Such funding reduction is for the sole purpose of reducing funding for such Davidson County rent adjustment.

### **REDUCE FASTTRACK**

Item 8. The appropriation made to the Department of Economic and Community Development for the FastTrack Infrastructure and Job Training Assistance program, in Section 1, Title III-8, Item 7, as identified on Page B-306 of the 2019-2020 Budget Document, is reduced by the sum of \$4,000,000 (non-recurring). Such funding reduction is for the sole purpose of reducing funding for the FastTrack Infrastructure and Job Training Assistance program.

### **MAKE DIDS RECURRING**

Item 9. Of the appropriation to the Bureau of TennCare for the purpose of increasing the per hour DSP staff salary component in the DIDD/provider rate methodology that is included in the non-recurring amount of \$5,950,000, \$2,950,000 is hereby designated as a recurring appropriation.

**PROHIBIT SALE OF CITIZENS PLAZA**

Item 10. No funds appropriated by this act or other acts of the 111th General Assembly, including funds appropriated for capital outlay of the state office buildings and support facilities revolving fund, shall be used, obligated, or expended for the sale of the existing building located at 400 Deaderick Street in Nashville, Tennessee.

**REQUIRE MENTAL HEALTH TO PAY**

**ZERO TO THREE COURTS**

Item 11. From the funds appropriated to the Department of Children's Services for the Zero to Three court programs established pursuant to Tennessee Code Annotated, Title 37, Chapter 1, Part 9, there is transferred a sum sufficient to the Department of Mental Health and Substance Abuse Services for the sole purpose of disbursing payments of salaries, stipends, expenses, and other remuneration to the judges, magistrates, court coordinator, and other employees operating the programs. Nothing in this item grants supervisory control or authority to the Department of Mental Health and Substance Abuse Services over the judges, magistrates, court coordinator, or other employees receiving disbursements pursuant to this item.

Item 12. From the funds appropriated to the Department of Children's Services and the Department of Mental Health and Substance Abuse Services for safe baby courts, there is earmarked a sum sufficient for the sole purpose of implementing House Bill 1047 / Senate Bill 649, relative to safe baby courts, if such bill becomes a law.

**TRANSFER FUNDS FROM ECD TO THEC**

**FOR WORKBASED LEARNING**

Item 13. From the funds appropriated in Chapter 1061, Public Acts of 2018, Section 61, Item 3, to the Department of Economic and Community Development, there is transferred in fiscal year 2018-2019 the sum of \$1,000,000 (recurring) to the Tennessee Higher Education Commission (THEC) for the sole purpose of workbased learning.

**EARMARK ONLINE SALES TAX FOR SB 398 / HB 1262**

Item 14. From the revenues collected from sales and use tax on internet sales pursuant to Senate Bill 165 / House Bill 667, there is appropriated the sum of \$22,082,900 (recurring) for the sole purpose of offsetting the shortfall in state tax revenue due to the reduction in the amount of the professional privilege tax pursuant to Senate Bill 398 / House Bill 1262. The provisions of this item shall take effect upon becoming a law, the public welfare requiring it. The provisions of this item are subject to such cited bills becoming a law.

**RESERVE FOR ONLINE SALES TAX**

**FOR FUTURE TAX RELIEF**

Item 15. In the fiscal year ending June 30, 2020, the Commissioner of Finance and Administration is authorized to establish a separate reserve in the general fund for revenues collected from sales and use tax on internet sales pursuant to Senate Bill 165 / House Bill 667, if such bill becomes a law. It is the legislative intent to appropriate the funds from the reserve up to \$15,000,000 (recurring) in future fiscal years for tax reductions.

Item 16. From reserves available to the Department of Education, there is appropriated the sum of \$5,000,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Bethel University, to be used for settling a lawsuit with the Tennessee Department of Education.

Item 17. From the funds appropriated to the Board of Regents for internships, there is appropriated the sum of \$150,000 (recurring) to the Tennessee Higher Education Commission for the sole purpose of making grants to the University of Tennessee system and the six (6) locally governed state universities, to be used for scholarships for students from the University of Tennessee, Knoxville; the University of Tennessee at Martin; and the University of Tennessee at Chattanooga; and such state universities to participate in the programs provided by the The Washington Center for Internships and Academic Seminars, in Washington, D.C.

Item 18. From the appropriation to the Department of Economic and Community Development, in Section 1, Title III-8, Item 8.6, Economic Development District Grants, there is transferred and appropriated the sum of \$174,000 (recurring) to the Tennessee Commission on Children and Youth for the sole purpose of making a grant in such amount to Tennessee Court Appointed Special Advocate Association, Inc. (CASA), of which the sum of \$56,000 is to be used by CASA for quality assurance, training, and expansion initiatives, and the sum of \$118,000 is to be distributed as grants in an amount of \$2,000 to each of the 59 local CASA programs (56 existing and 3 new) for operation and development of the programs.

Item 19. From reserves available to the Department of Education, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 187 / House Bill 982, relative to requiring the Tennessee Comprehensive Assessment Program (TCAP) tests to be administered in paper format, if such bill becomes a law.

Item 20. From the handgun permit fees reserve available to the Department of Safety, there is earmarked the sum of \$103,300 (non-recurring) for the sole purpose of implementing House Bill 1264 / Senate Bill 705, relative to the creation of a new concealed handgun carry permit, if such bill becomes a law.

Item 21. From reserves available to the Tennessee Film, Entertainment and Music Commission for the sole purpose of production of a movie about the

1899 football team at Sewanee: The University of the South pursuant to the appropriation made in Section 63, Item 12, and Section 64, Item 32, in Chapter 460 of the Public Acts of 2017, there is transferred and appropriated a sum sufficient not to exceed \$2,500,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Germantown Performing Arts Center (GPAC), to be used for construction of an amphitheater.

Item 22. From the funds appropriated to the Department of Transportation, there is earmarked the sum of \$3,500 (non-recurring) for the sole purpose of implementing House Bill 178 / Senate Bill 41, relative to highway and bridge namings, if such bill becomes a law.

Item 23. Funds appropriated in Section 62, Item 28, to implement House Bill 316 / Senate Bill 1442, relative to cancer-related death benefits for firefighters, are reduced by the sum of \$200,000 (non-recurring).

Item 24. From the appropriation made to the Department of Economic and Community Development for the FastTrack Infrastructure and Job Training Assistance program, in Section 1, Title III-8, Item 7, there is earmarked the sum of \$2,000,000 (non-recurring) for the sole purpose of funding a capital outlay project in Sevier County.

### **LEGISLATIVE INITIATIVES**

#### **SECTION 62.**

Item 1. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to implement all bills and resolutions having an estimated first year's cost of \$50,000 or less which become law. It is the legislative intent that if such bills and resolutions are otherwise funded by the provisions of this act, then the funds appropriated in this item shall be reduced accordingly.

Item 2. It is hereby recognized that Senate Bill 1309 / House Bill 1441, relative to sales and use taxes for providing dumpsters, will result in a revenue loss of \$199,100 (recurring), if such bill becomes a law.

Item 3. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$147,700 (non-recurring) for the sole purpose of implementing Senate Bill 310 / House Bill 567, relative to a one-year deaf mentor pilot project, if such bill becomes a law.

Item 4. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$137,300 (recurring) for the sole purpose of implementing Senate Bill 650 / House Bill 786, relative to pharmacy benefits managers, if such bill becomes a law.

Item 5. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$27,344,100 (recurring) for the sole

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purpose of implementing Senate Bill 476 / House Bill 498, relative to establishing a Katie Beckett program, if such bill becomes a law.

Item 6. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring) to the Department of Safety for the sole purpose of implementing Senate Bill 517 / House Bill 714, relative to farm-related commercial driver licenses, if such bill becomes a law.

Item 7. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$135,700 (recurring) to the Tennessee Bureau of Investigation, for the sole purpose of implementing Senate Bill 705 / House Bill 1264, relative to handgun carry permits, if such bill becomes a law.

Item 8. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient (recurring) for the sole purpose of implementing Senate Bill 1257 / House Bill 1029, relative to the "Human Life Protection Act," if such bill becomes a law.

Item 9. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$96,800 (which shall be allocated for incarceration costs) for the sole purpose of implementing Senate Bill 597 / House Bill 972, relative to the offense of communicating a threat of public harm, if such bill becomes a law.

Item 10. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,500,000 (recurring) for the sole purpose of implementing Senate Bill 1458 / House Bill 605, relative to exemption from taxation for certain sales of fiber-optic cable, if such bill becomes a law.

Item 11. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$683,500 (recurring) for the sole purpose of implementing Senate Bill 667 / House Bill 729, relative to court reporter compensation, if such bill becomes a law.

Item 12. It is the legislative intent that in fiscal year 2020-2021, a sum sufficient (recurring) be appropriated for the sole purpose of implementing Senate Bill 1231 / House Bill 1232, relative to reimbursement for expenses of legislators, if such bill becomes a law.

Item 13. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$435,400 (recurring) for the sole purpose of replacing lost Wildlife Resources Fund allocations resulting from implementation of House Bill 494 / Senate Bill 423, relative to the repeal of the ammunition tax, if such bill becomes a law.

Item 14. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$68,400 (which shall be allocated for incarceration costs) for the sole purpose of implementing House Bill 502 / Senate

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Bill 911, relative to enhancing the penalty for the offense of destruction or alteration of government records, if such bill becomes a law.

Item 15. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$490,600 (which shall be allocated for incarceration costs) for the sole purpose of implementing House Bill 909 / Senate Bill 1039, relative to the Elderly and Vulnerable Adult Protection Act of 2019, if such bill becomes a law.

Item 16. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$3,400 (which shall be allocated for incarceration costs) for the sole purpose of implementing House Bill 917 / Senate Bill 1359, relative to creating the new offense of withdrawing, transferring, or altering a child's enrollment in school with the intent to hinder an active child abuse or neglect investigation, if such bill becomes a law.

Item 17. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$6,800 (which shall be allocated for incarceration costs) for the sole purpose of implementing House Bill 565 / Senate Bill 1252, relative to enhancing the penalty for intentional failure to report child abuse or child sexual abuse, if such bill becomes a law.

Item 18. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,100 (recurring) for the sole purpose of implementing House Bill 37 / Senate Bill 28, relative to creating the State Alzheimer's Disease and Related Dementia Advisory Council, if such bill becomes a law.

Item 19. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient for the sole purpose of implementing House Bill 41 / Senate Bill 95, relative to military service expiration date information on handgun carry permits, if such bill becomes a law.

Item 20. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$34,200 (which shall be allocated for incarceration costs) for the sole purpose of implementing House Bill 156 / Senate Bill 264, relative to creating the new offense of critical infrastructure vandalism, if such bill becomes a law.

Item 21. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,400 (recurring) for the sole purpose of implementing House Bill 322 / Senate Bill 272, relative to ex officio members of the Tennessee Medical Examiner Advisory Council, if such bill becomes a law.

Item 22. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$11,400 (which shall be allocated for incarceration costs) for the sole purpose of implementing House Bill 407 / Senate Bill 425, relative to sexual offenders, if such bill becomes a law.



Item 23. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,800 (non-recurring) for the sole purpose of implementing House Joint Resolution 394, relative to the creation of an ad hoc academic testing task force, if such joint resolution becomes a law.

Item 24. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$4,900 (non-recurring) for the sole purpose of implementing House Bill 552 / Senate Bill 479, relative to the renaming of the National Guard armory in Chattanooga, if such bill becomes a law.

Item 25. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient for the sole purpose of implementing House Bill 1156 / Senate Bill 561, relative to the creation of the 32nd Judicial District, if such bill becomes a law.

Item 26. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$13,400 (non-recurring) for the sole purpose of implementing House Bill 1468 / Senate Bill 888, relative to creating an advisory task force to study issues related to hemp, if such bill becomes a law.

Item 27. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the Department of Commerce and Insurance for the sole purpose of implementing House Bill 518 / Senate Bill 1395, relative to a volunteer firefighter equipment and training grant program, if such bill becomes a law.

Item 28. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (recurring) for the sole purpose of implementing House Bill 316 / Senate Bill 1442, relative to cancer-related death benefits for firefighters, if such bill becomes a law.

Item 29. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$450,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Great Smoky Mountains Heritage Center in Townsend, Tennessee, to be used for construction of the center's Hands-On Music Gallery.

Item 30. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$750,000 (non-recurring) to the Department of General Services for the sole purpose of making grants in the amount of \$150,000 each to the four (4) accredited Tennessee zoos and the Tennessee Aquarium, to be used for capital improvement projects.

Item 31. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,500,000 (non-recurring) to the Department of Health for the health care safety net grant fund.

Item 32. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$190,000 (recurring) to the University of

Tennessee - Martin at Selmer. It is the legislative intent that such funds shall not be distributed by means of the higher education formula.

Item 33. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$5,478,100 (recurring) to the Department of Correction for the sole purpose of increasing salaries for series of correctional officer and correctional counselor positions.

Item 34. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the Department of Tourist Development for the sole purpose of establishing a pilot program to make grants to improve and maintain access to Tennessee's waterways.

Item 35. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$125,000 (recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Holocaust Commission, to be used for outreach programming and hiring an office manager.

Item 36. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$10,500 (recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the county government of Bedford County, Tennessee, to be used for the Tennessee Fallen Firefighter Memorial.

Item 37. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$118,000 (recurring) to the Administrative Office of the Courts (AOC) for the sole purpose of providing funding for salaries and benefits of the judges of the new courts created in the sixteenth, nineteenth, and twenty-first judicial districts by Chapter 974 of the 2018 Public Acts.

Item 38. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,000,000 (non-recurring) to the Department of Health for the sole purpose of dispersing funding among evidence-based early childhood home visiting programs.

Item 39. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$150,000 (non-recurring) to Miscellaneous Appropriations in Section 1, Title III-22, for the sole purpose of funding grants for rural initiatives.

Item 40. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$200,000 (non-recurring) to the Department of Commerce and Insurance for the sole purpose of contracting for a consultant's services related to developing best practices for entities licensed in Tennessee that provide goods or services relating to health, medical care, and medicine, as the Speaker of the Senate and the Speaker of the House of Representatives shall designate.

Item 41. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$750,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Delta Dental of Tennessee, to be used for a denture program for the poor.

Item 42. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$73,600 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Project Return, Inc., to be used for reentry programs and services to reduce recidivism.

Item 43. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$25,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to High Hopes, Inc., to be used for operating and programming needs for an inclusive pre-school and therapeutic clinic, which serves children that have special needs in twenty-two (22) counties.

Item 44. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,500,000 (non-recurring) to the Department of Mental Health and Substance Abuse Services, to be used as follows:

- (a) \$1,000,000 to expand an opioid addiction program that provides opioid relapse treatment, including the use of long-acting, injectable naltrexone, to adults who are participating or eligible for participation in a drug court treatment program; and
- (b) \$500,000 to expand an opioid pilot program in county jails to make long-acting, injectable naltrexone available for the treatment of opioid dependence.

On or before December 31, 2019, the Commissioner of Mental Health and Substance Abuse Services shall report to the Speakers of the Senate and House of Representatives on the success of the program, including the number of individuals served, average time the individuals were on the medication provided, information regarding re-arrest and the types of offenses if arrested, and anecdotal success stories from judges and program directors. The report shall also include information regarding the current count of drug court participants served with long-acting, injectable naltrexone since the drug court pilot began in fiscal year 2016-2017, the estimated increase in patients served from fiscal year 2016-2017 through fiscal year 2017-2018 in the drug court pilot program, the estimated number of patients to be served by the appropriation made in this item, and the number of individuals with technical violations that have come back through the system after starting or completing the pilot program.

Item 45. In addition to any other funds appropriated by the provisions of this act, there is appropriated the non-recurring sum of \$4,600,000 to Miscellaneous Appropriations, in Section 1, Title III-22, Item 3.2, Group Health Insurance, Other Post-Employment Benefits Liability, to be used for the purpose

of paying expenses in connection with establishing the other post-employment benefits trust.

Item 46. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,000,000 (non-recurring) to the Department of Economic and Community Development for the sole purpose of the SBIR/STTR Matching Fund Grants Program administered through Launch Tennessee.

Item 47. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$350,000 (non-recurring) to Higher Education, Tennessee Higher Education Commission, for making grants and support to fund student financial aid for individuals enrolled in a new medical education program jointly administered by Middle Tennessee State University and Meharry Medical College.

Item 48. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the county government of Sumner County, Tennessee, to be used as matching funds for improvements to the Comer Barn.

Item 49. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$17,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Appalachian Cultural Music Association, Inc., to be used for operational expenses and programs and services.

Item 50. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$30,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Arlington Community Schools Board of Education, to be used for creating a cybersecurity classroom at Arlington High School.

Item 51. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$10,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Aspell Recovery Center, to be used for recovery programs related to substance abuse.

Item 52. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$37,000 (non-recurring) to the Administrative Office of the Courts for the sole purpose of making a grant in such amount to the Blount County Veterans Treatment Court, to be used for providing services to veterans.

Item 53. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant

in such amount to the county government of Cannon County, to be used for roof repairs for the courthouse.

Item 54. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$40,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Children Are People, Inc., to be used for operations and services.

Item 55. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the City of Eagleville, Tennessee, to be used for the design and construction of a new public safety facility.

Item 56. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of providing a grant in such amount to the City of Franklin, to be used for the exterior rehabilitation of the barn at the Park of Harlinsdale Farm.

Item 57. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$28,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Marshall County Babe Ruth League, Inc., to be used for upgrading restrooms to meet Americans with Disabilities Act of 1990 (ADA) accessibility requirements.

Item 58. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Cumberland University, to be used for the transcription project of the Papers of Martin Van Buren and related operational expenses, programs, and services.

Item 59. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Elcanaan Community Help Organization (ECHO), in Hardeman County, to be used for restoration of the historic Allen White Cultural and Community Center in Whiteville.

Item 60. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$450,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making grants of \$50,000 to any senior center accredited, or currently in the accreditation process with the expectation of being accredited in calendar year 2019, by the National Council on Aging's National Institute of Senior Centers through the National Senior Center Accreditation Program. These funds shall be used solely

for providing programs and services for older adults. The only such senior centers in Tennessee are as follows:

- (a) Johnson City Seniors' Center;
- (b) Jonesborough Senior Center;
- (c) FiftyForward College Grove;
- (d) FiftyForward Knowles in Nashville;
- (e) FiftyForward Madison Station;
- (f) FiftyForward Donelson Station;
- (g) FiftyForward Martin Center in Brentwood;
- (h) Kingsport Senior Center, E. Center Street;
- (i) Kingsport Senior Center, Lynn View Site, Walker Street.

Item 61. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$10,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Freeman Recovery Project, to be used for increasing access to quality, evidence-based treatment for individuals with mental health issues and drug and alcohol addiction.

Item 62. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$300,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Goodwill Excel Center MidSouth, Inc., to be used for technology upgrades at the center.

Item 63. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$10,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Graceworks Ministries, to be used for rent and utility bill assistance for the emergency shelter program.

Item 64. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Historical Society, to be used for the Women's Suffrage Centennial.

Item 65. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant

in such amount to Houston County, to be used for the purchase, installation, and operation of an audio-visual system and digital court recorder for the Houston County courthouse.

Item 66. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$5,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Jackson Symphony Association, to be used for free community concert expenses in September 2019.

Item 67. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,000 (non-recurring) to the Department of Education for the sole purpose of making a grant in such amount to Jefferson County High School, to be used for vocational education technology.

Item 68. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Le Bonheur Children's Hospital in Memphis, to be used for programs and services.

Item 69. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$40,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Mt. Juliet League, Inc., to be used for expenses for electrical service work and recovery from flood damage.

Item 70. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$150,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the NAMI Tennessee, Inc., to be used to fund crisis intervention team training.

Item 71. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$10,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Nourish Food Bank, to be used to purchase large storage freezers.

Item 72. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$25,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Orange Heart Medal Foundation, to be used for programs and services to honor Vietnam War veterans in Tennessee who were exposed to Agent Orange.

Item 73. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,000 (non-recurring) to the Department of Education for the sole purpose of making a grant in such amount to Sevier County High School, to be used for vocational education technology.

Item 74. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$25,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Sevier County Volunteer Fire Department station that serves the New Center community, to be used for the acquisition of equipment.

Item 75. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Shady Valley Watershed District, to be used for lateral cleaning and upgrades.

Item 76. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Society of St. Andrew - Tennessee, to be used for food bank supplies and operational expenses related to hunger relief.

Item 77. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$10,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Stage Door Productions, to be used to support musical theatre programs for children and teens.

Item 78. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of restoration of the Sadie Ford Heritage Farm at the Cedars of Lebanon State Park in Wilson County, Tennessee.

Item 79. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$200,000 (non-recurring) to the Tennessee Council for Career and Technical Education for the sole purpose of funding operational expenses and statutory duties related to career and technical education.

Item 80. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Safety for the sole purpose of making a grant in such amount to the Tennessee Wing of the Civil Air Patrol, to be used for conducting state-requested flights and cadet education and training.

Item 81. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$7,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tipton County Juvenile Court, to be used for the Handle with Care Program web application services.

Item 82. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$10,000 (recurring) to the Department



of Finance and Administration for the sole purpose of making a grant in such amount to the University of Tennessee Extension - Hamblen County, to be used for the Great Smoky Mountains 4-H and FFA Fair program, which serves the Northeast Tennessee region.

Item 83. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$363,000 (of which \$38,500 is non-recurring) to the Department of Veterans Services for the sole purpose of establishing five (5) full-time veterans resource coordinator positions.

Item 84. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$30,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making grants to the specified counties to be divided equally among the volunteer fire departments and rescue squads of each county for operational expenses and equipment as follows:

(a) White County -- \$10,000;

(b) Warren County -- \$10,000;

(c) Grundy County -- \$10,000.

Item 85. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$20,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Wilson Central Soccer Boosters, to be used for expenses related to the purchase and maintenance of bleachers and soccer equipment.

Item 86. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Wilson County Promotions, Inc., to be used for capital improvements.

Item 87. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$40,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the City of Spencer, to replace lost hotel-motel tax revenue.

**AND FURTHER AMEND** by adding the following new item at the end of Section 50:

Item \_\_\_\_\_. From the funds appropriated to the Lottery for Education Account, there is earmarked the sum of \$126,400 in fiscal year 2019-2020 for the sole purpose of implementing Senate Bill 1379 / House Bill 745, relative to increasing the amount of a Tennessee Middle College Scholarship (TMCS) awarded each semester to an eligible student for full-time attendance, if such bill becomes a law.

**AND FURTHER AMEND** by adding the following new item at the end of Section 50:

Item \_\_\_\_\_. From the funds appropriated to the Lottery for Education Account, there is earmarked a sum sufficient for the sole purpose of implementing House Bill 1425 / Senate Bill 764, relative to dual enrollment course grants, if such bill becomes a law.

**HOUSEKEEPING –TYPOGRAPHICAL CORRECTIONS**

**AND FURTHER AMEND** in Section 56, Item 1, by deleting the language "and (a) End Slavery Tennessee" and substituting instead the language "and (c) End Slavery Tennessee".

**AND FURTHER AMEND** by deleting Section 30, Item 4, and substituting instead the following:

Item 4.

(a) Except as provided in subsection (b), within the appropriations herein made, the salaries of the subordinates and employees of the Treasurer, Comptroller, Secretary of State, and the Fiscal Review Committee shall be fixed by the heads thereof, respectively, and the salaries of the employees and subordinates of the Joint Legislative Services Committee shall be fixed by such committee in accordance with the provisions of Tennessee Code Annotated, Title 3, Chapters 10 through 14, inclusive.

(b) If House Bill 1233 / Senate Bill 1235 becomes a law, then within the appropriations herein made, the salaries of the subordinates and employees of the Treasurer, Comptroller, and Secretary of State shall be fixed by the heads thereof, respectively, and the salaries of the employees and subordinates of the Fiscal Review Committee and the Joint Legislative Services Committee shall be fixed in accordance with Tennessee Code Annotated, Title 3.

**AND FURTHER AMEND** by requesting the Engrossing Clerk to:

(1) Delete the bold underlined explanatory headings in this amendment;  
and

(2) Exclude this paragraph from the engrossed bill.

Rep. Lamberth moved the previous question, which motion prevailed.

Rep. Lynn moved that the House concur in Senate Amendments Nos. 1, 2 and 3 to **House Bill No. 1508**, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T,

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

Hodges, Holsclaw, Holt, Howell, Hulse, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Vaughan, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--98

A motion to reconsider was tabled.

**EXCUSED**

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Jernigan

Representative Vaughan

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 185** -- Election Laws - As introduced, revises method of nomination for a candidate in a special election for a state senate seat held in conjunction with the November regular election when the vacancy occurs within 45 days of the election. - Amends TCA Title 2. by \*Sexton C. (SB1355 by \*Yager, \*McNally)

On motion, House Bill No. 185 was made to conform with **Senate Bill No. 1355**; the Senate Bill was substituted for the House Bill.

Rep. C. Sexton moved that Senate Bill No. 1355 be passed on third and final consideration.

Rep. Crawford moved that Local Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. C. Sexton moved that **Senate Bill No. 1355** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 94  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulse, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns,

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

Travis, Van Huss, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--94

A motion to reconsider was tabled.

**House Bill No. 786** -- Pharmacy, Pharmacists - As introduced, makes various changes to law concerning pharmacy benefits managers; requires the comptroller of the treasury to perform an annual audit of all pharmacy benefits managers providing services funded by this state. - Amends TCA Title 56, Chapter 7, Part 31. by \*Sexton C, \*Terry, \*Powers, \*Sparks, \*Dixie, \*Daniel, \*Sanderson, \*Marsh, \*Helton, \*Moon, \*Smith, \*Hall, \*White, \*Russell, \*Lamberth, \*Sherrell, \*Hurt, \*Boyd, \*Shaw, \*Crawford, \*Gant, \*Cepicky, \*Powell, \*Carr, \*Kumar, \*Windle, \*Littleton, \*Keisling, \*Zachary, \*Ramsey, \*Cochran, \*Byrd, \*Todd, \*Holsclaw, \*Johnson C, \*Beck, \*Weaver. (\*SB650 by \*Reeves)

Rep. C. Sexton moved that House Bill No. 786 be passed on third and final consideration.

Rep. Travis moved adoption of Insurance Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 786 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 56-7-3103(a)(3), is amended by deleting the subdivision and substituting the following:

(3) Any clerical or recordkeeping error identified during an audit, such as a typographical error, scrivener's error, omission, or computer error, does not, in and of itself, constitute fraud or intentional misrepresentation and must not be the basis of a recoupment unless the error results in an actual overpayment to the pharmacy or the wrong medication being dispensed to the patient. Notwithstanding any other law to the contrary, no such claim is subject to criminal penalties without proof of intent to commit fraud;

SECTION 2. Tennessee Code Annotated, Section 56-7-3103(a)(7), is amended by deleting the subdivision and substituting the following:

(7) A pharmacist or pharmacy must be allowed the length of time described in the pharmacist's or pharmacy's contract or provider manual, whichever is applicable, which must not be less than thirty (30) days, following receipt of the preliminary audit report in which to produce documentation to address any discrepancy found during an audit. A pharmacist or pharmacy may correct a clerical or recordkeeping error by submitting an amended claim during the designated time frame if the prescription was dispensed according to the requirements of state and federal law. If the pharmacist's or pharmacy's contract or provider manual does not specify the allowed length of time for the pharmacist or pharmacy to address any discrepancy found in the audit following receipt of the preliminary report, then that pharmacist or pharmacy must be allowed no less

than thirty (30) days following receipt of the preliminary audit report to respond and produce documentation;

SECTION 3. Tennessee Code Annotated, Section 56-7-3103(a), is amended by adding the following as a new subdivision:

( ) Any recoupment related to clerical or recordkeeping errors must not include the cost of the drug or dispensed product, except in cases of the following:

(A) Fraud or other intentional and willful misrepresentation;

(B) Dispensing in excess of the pharmacy benefits contract established by the plan sponsor; or

(C) Prescriptions not filled in accordance with the prescriber's order.

SECTION 4. Tennessee Code Annotated, Title 56, Chapter 7, Part 31, is amended by adding the following as new sections:

**56-7-3115.**

A covered entity or pharmacy benefits manager shall not charge a pharmacist or a pharmacy a fee related to a claim unless it is apparent at the time of claim processing and is reported on the remittance advice of an adjudicated claim. This section does not prohibit a covered entity or pharmacy benefits manager from entering into an agreement with a pharmacy or pharmacist which includes prospective performance-based incentives and increases payment to pharmacies or pharmacists.

**56-7-3116.**

A covered entity or pharmacy benefits manager shall not include any term or condition in a contract with a pharmacy or pharmacist that requires a pharmacist to dispense a drug or other product to a patient contrary to a pharmacist's professional judgment.

**56-7-3117.**

A covered entity or pharmacy benefits manager shall disclose to a pharmacy or pharmacist in its network, at least thirty (30) days before the date the change becomes effective, any material change to a contract provision that affects the terms of reimbursement, the process for verifying benefits and eligibility, the dispute resolution procedure, the procedure for verifying drugs included in the formulary, and the procedure for contract termination. Nothing in this section prohibits a covered entity or pharmacy benefits manager from taking action without notice against a pharmacy or pharmacist in its network for a fraudulent claim or service.

**56-7-3118.**

(a) Each contract between a covered entity or pharmacy benefits manager and a pharmacist or pharmacy must be mutually agreed upon and must outline the terms and conditions for the provision of pharmacy services.

(b) A covered entity or pharmacy benefits manager shall not cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading.

(c) Removal of a pharmacy or a pharmacist from the network of a covered entity or pharmacy benefits manager does not release the covered entity or pharmacy benefits manager from the obligation to make any payment due to the pharmacy or pharmacist for services that have been properly rendered prior to the pharmacy being removed from the network. Properly rendered services do not include any services related to a fraudulent claim or intentional misrepresentation.

(d) A covered entity or pharmacy benefits manager shall not engage in a pattern or practice of reimbursing pharmacies or pharmacists in this state less than the amount that the pharmacy benefits manager reimburses a pharmacy benefits manager affiliate for providing the same drug or dispensed product or service.

SECTION 5. This act shall take effect on July 1, 2019, the public welfare requiring it, and applies to agreements entered into, amended, or renewed on or after that date.

On motion, Insurance Committee Amendment No. 1 was adopted.

Rep. C. Sexton moved that **House Bill No. 786**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--96

A motion to reconsider was tabled.

**\*House Bill No. 524** -- Business and Commerce - As introduced, deletes provision that required the office of small business advocate to report the status of the office's web page project no later than February 15, 2013. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 12; Title 47; Title 48; Title 61 and Title 67. by \*Hill M, \*Hill T, \*Helton, \*Van Huss. (SB1434 by \*Crowe)

Rep. M. Hill moved that House Bill No. 524 be passed on third and final consideration.

Rep. Lynn moved adoption of Finance, Ways, and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 524 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 7, is amended by adding Sections 2 through 12 as a new chapter.

SECTION 2. This chapter shall be known and may be cited as the "Regional Retail Tourism Development District Act."

SECTION 3. The purpose of this chapter is to increase tourism and the competitiveness of this state with bordering states by empowering local governments to encourage the development of extraordinary retail or tourism facilities, including shopping, recreational, and other activities.

SECTION 4. As used in this chapter, unless the context otherwise requires:

(1) "Base tax revenues" means the revenues generated from the collection of state sales and use taxes from all businesses within the applicable regional retail tourism development district as of the end of the fiscal year of this state immediately prior to the year in which the municipality or industrial development corporation is entitled to receive an allocation of tax revenue pursuant to this chapter. In no event shall the apportionment pursuant to this chapter be adjusted to reduce the economic benefit to the municipality as is provided in this chapter;

(2) "Best interests of the state" means a determination by the commissioner of revenue, with approval by the commissioner of economic and community development, that:

(A) The economic development project or extraordinary retail or tourism facility within the district is a result of the special allocation and distribution of state sales tax provided for in Section 7; and

(B) The district is a result of the project or extraordinary retail or tourism facility;

(3) "Commissioner" means the commissioner of revenue;

(4) "Cost" means all costs of an economic development project in a district incurred by the municipality or industrial development corporation, including, but not limited to, the cost of developing the district, as well as acquisition, design, construction, renovation, improvement, demolition, and relocation of any improvements; the cost of labor, materials, and equipment; the cost of all lands, property rights, easements, and franchises required; financing charges, interest, and debt service prior to, during, or after construction; the cost of issuing bonds in connection with any financing; cost of plans and specifications, services, and estimates of costs and of revenue; cost of direct or indirect assistance, including funds for location assistance; cost of site preparation, engineering, accounting, and legal services; all expenses necessary or incident to determining the feasibility or practicability of such acquisitions or construction; salaries, overhead, and other costs of the municipality or industrial development corporation allocated to the project, including new development or subsequent phases of the project to be completed within the thirty-year period established in Section 5(d), and administrative, legal, and engineering expenses and such other expenses as may be necessary or incident to such acquisition, design, construction, renovation, demolition, relocation, or the financing thereof, including the costs incurred by a municipality or industrial development corporation relating to the development of an extraordinary retail or tourism facility within two (2) years prior to the municipality's designation of the proposed regional retail tourism development district for such project;

(5) "Economic development project" or "project" means the provision of direct or indirect financial assistance, including funds for location assistance, to an extraordinary retail or tourism facility and other retail or tourism facilities developed to accompany the extraordinary retail or tourism facility in a regional retail tourism development district by a municipality or an industrial development corporation, including, but not limited to, the purchase, lease, grant, construction, reconstruction, improvement, or other acquisition or conveyance of land, buildings, equipment, or other infrastructure; public works improvements essential to the location of an extraordinary retail or tourism facility and other retail or tourism facilities developed to accompany the extraordinary retail or tourism facility; payments for professional services contracts necessary for a municipality or industrial development corporation to implement a plan or project; the provision of direct loans or grants for land, buildings, or infrastructure; and loan guarantees securing the cost of land, buildings, location assistance, or infrastructure in an amount not to exceed the revenue that may be derived from the sales and use tax transferred to the municipality as provided in this chapter. It also includes development of parks, plazas, sidewalks, access ways, roads, drives, bridges, ramps, landscaping, signage, parking lots, parking structures, and other public improvements constructed or renovated by the municipality or an industrial development corporation in connection with the project in the district and any related infrastructure and utility improvements for public or private peripheral development for the district that is constructed,



renovated, or installed by the municipality or an industrial development corporation;

(6) "Extraordinary retail or tourism facility" means a single store, series of stores, or other public tourism facility or facilities located within a regional retail tourism development district, and includes retail or other public tourism facilities that are reasonably anticipated to draw at least one million (1,000,000) visitors a year upon completion. The extraordinary retail or tourism facility must reasonably be expected to require a capital investment of at least twenty million dollars (\$20,000,000), including land, buildings, and site preparation costs, and must reasonably be anticipated to remit at least two million dollars (\$2,000,000) in state sales and use tax annually when completed;

(7) "Industrial development corporation" means a corporation created or authorized by a municipality or county pursuant to chapter 53 of this title;

(8) "Municipal governing body" means the city council, city commission, or board of mayor and aldermen of a city;

(9) "Municipality" means an incorporated city located in this state; and

(10) "Regional retail tourism development district" or "district" means one (1) or more parcels of real property located within a municipality, some part of whose corporate limits borders a neighboring state, and which some boundary of a district is no more than one-half (1/2) mile from an existing federally designated interstate exit, is no more than twenty (20) miles from the state border of two (2) neighboring states as measured by straight line, is no larger than a total area of nine hundred fifty (950) acres, and designated as a regional retail tourism development district by a municipal ordinance and certified by the commissioner.

#### SECTION 5.

(a) To receive the apportionment of state sales and use taxes as provided in this chapter, the following requirements must be met:

(1) A municipal legislative body must adopt an ordinance designating the boundaries of the regional retail tourism development district. A municipality shall not contain more than one (1) such district;

(2) The municipality must file a certified copy of the ordinance with the commissioner along with a request for certification of the district. The request must include a master development plan for the proposed district containing such information as may be reasonably required by the commissioner;

(3) The commissioner shall promptly review the request to confirm that the proposed boundaries of the proposed regional retail tourism development district do not exceed the maximum size set forth in this chapter. If the commissioner determines that the boundaries of the proposed regional retail tourism development district exceed the area allowed by this chapter, then the commissioner may adjust or reduce the boundaries of the proposed district in consultation with the municipality. In reviewing the request, the commissioner shall inform the commissioners of economic and community development and tourist development of the pending request; and

(4) If the commissioner, with approval by the commissioner of economic and community development, determines that the special allocation of state sales tax, as authorized by Section 7 of this act, is in the best interests of the state, then the commissioner shall approve the request and certify the district. Upon certification of the district, the commissioner shall provide prompt notice of the certification to the commissioner of economic and community development, the commissioner of tourist development, and the requesting municipal governing body.

(b) Upon certification of the district, state sales and use taxes must be apportioned and distributed to the municipality as provided in this chapter.

(c) The apportionment and distribution of state sales and use taxes to the municipality as provided in this chapter must commence at the beginning of the fiscal year after the certification of the district. Prior to the beginning of that fiscal year, and on an annual basis thereafter, the municipality shall submit to the commissioner a summary of the cost of the economic development project with supporting documentation, certified by the chief financial officer of the municipality, which must include the cost of any new phases or additional development of the project to be completed within the thirty-year time limitation established in subsection (d). The commissioner shall review the cost certification to determine whether state sales and use taxes, in the amount determined by the commissioner, must be apportioned and distributed to the municipality pursuant to this chapter and shall notify the department of economic and community development of the determination.

(d) Additional development or new phases of a project within a certified district shall not be initiated after the expiration of twenty (20) years following certification of the district. The certified district must be dissolved following the expiration of thirty (30) years, or upon the date on which the cost of the project has been fully paid, whichever occurs first. The thirty-year period in this subsection (d) runs concurrently with the time limitation established in Section 7 of this act.

SECTION 6. The department of revenue shall make annual adjustments to the sales and use tax revenues collected in the district within ninety (90) days of the end of each fiscal year. The annual adjustments are effective immediately upon notification of the adjustment from the department of revenue to the municipality or industrial development corporation.

**SECTION 7.**

(a) Notwithstanding the allocations provided for in § 67-6-103(a), if a municipality or industrial development corporation finances, constructs, leases, equips, renovates, assists, incents, or acquires an extraordinary retail or tourism facility or a project in a certified district, then seventy-five percent (75%) of state sales and use tax collected in the district in excess of base tax revenues must be apportioned and distributed to the municipality in an amount equal to the incremental increase in state sales and use taxes derived from the sale of goods, products, and services within the district in excess of base tax revenues.

(b) Apportionment and distribution according to subsection (a) must continue for a period of thirty (30) years, or until the date on which the entire cost of the economic development project, including any principal and interest on indebtedness, including refunding indebtedness of the municipality or industrial development corporation related to the development of the project, are fully paid, whichever occurs first. Following the expiration of this thirty-year period, or upon the date on which such cost has been fully paid, whichever is sooner, all amounts that would have otherwise been distributed to the municipality or retained in lieu of distribution shall be allocated as provided elsewhere without regard to this chapter.

(c) Tax revenue distributed to the municipality pursuant to this chapter is for the exclusive use of the municipality or the industrial development corporation formally designated by the municipality for payment of the cost of the economic development project, including principal and interest on indebtedness, including refunding indebtedness of the municipality or industrial development corporation related to the development of the project. The department of revenue shall apportion the payment to the municipality within ninety (90) days of the end of each fiscal year for which the municipality is entitled to receive an allocation and payment pursuant to this chapter.

SECTION 8. An eligible municipality in which a district is located is authorized to delegate to any industrial development corporation within the county or counties where the municipality is located the authority to carry out all or part of the project, to issue revenue bonds to finance a project within a district, and to incur cost for the project. The municipality may enter into an agreement with an industrial development corporation in which the municipality agrees to promptly pay to the industrial development corporation the tax revenues received pursuant to this chapter sufficient to service the repayment of the bonds and costs incurred by the industrial development corporation for the project. Upon

receipt, that portion of tax revenues must be held in trust by the municipality for the benefit of the industrial development corporation.

SECTION 9. Any bonds, notes, refunding bonds, or other indebtedness relative to the cost of an economic development project must not be issued for a term longer than thirty (30) years, and the municipality or industrial development corporation may pledge all proceeds or taxes it receives pursuant to this chapter to the payment of principal and interest on the bonds, notes, or other indebtedness. The thirty-year period in this section runs concurrently with the time limitation established in Section 7 of this act.

SECTION 10. Prior to the issuance of any bonds to finance the cost of an economic development project that will be repaid in whole or part from apportionments under this chapter, the municipality or industrial development corporation issuing the bonds shall submit a proposed debt amortization schedule for the bonds to the commissioner for approval. The schedule must show the anticipated contribution to be made to the annual debt service for the bonds from the apportionment of sales and use taxes pursuant to this chapter and all other sources. After the date of issuance of the bonds, the municipality shall continue to contribute each year thereafter until the bonds are retired or a sufficient sinking fund has been established for their retirement.

SECTION 11. A municipality may, including through an industrial development corporation, limit, condition, or provide incentives or financial support in the district as it deems appropriate, including the requirement that the benefited property owners participate in the repayment of indebtedness due to district formation in an amount equal to twenty-five percent (25%) of the property tax for the real property owned by the property owner in the district each year, for the length of time as the municipality receives an appropriation of sales and use tax in accordance with this chapter and the property owner provides a lien on the property for such repayment. A municipality shall not provide financial assistance for the location or relocation of existing retailers located within a fifteen-mile radius of the district, if the existing location is within this state, unless the sales floor space is increased by thirty-five percent (35%) or more from that of the existing store. A municipality may allocate some or all of the incremental increase in property tax revenue directly as a result of the development within the district to pay for costs associated with the district formation, economic development projects, or extraordinary retail or tourism projects within the district.

SECTION 12. Notwithstanding any law to the contrary, the municipality and the industrial development corporation may exercise all power and rights, express or implied, granted by this chapter.

SECTION 13. Tennessee Code Annotated, Section 7-53-101(15), is amended by adding the following new, appropriately designated subdivision:

( ) Any economic development project as defined in the chapter created by Section 1;

SECTION 14. Tennessee Code Annotated, Section 67-6-103, is amended by adding the following new, appropriately designated subsection:

( ) Notwithstanding the provisions of Section 7 of this act to the contrary, no portion of the revenue derived from the increase in the rate of sales and use tax allocated to educational purposes pursuant to Acts 1992, chapter 529, § 9, and no portion of the revenue derived from the increase in the rate of sales and use tax from six percent (6%) to seven percent (7%) contained in Acts 2002, chapter 856, § 4, shall be distributed to the municipality. The revenue must be allocated as provided in Acts 1992, chapter 529 and Acts 2002, chapter 856, respectively.

SECTION 15. This act shall take effect July 1, 2019, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1 was adopted.

Rep. M. Hill moved adoption of House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 524 by deleting subdivision (10) in Section 4 and substituting instead the following:

(10) "Regional retail tourism development district" or "district" means one (1) or more parcels of real property located within a county having a population of not less than one hundred twenty-two thousand nine hundred (122,900) nor more than one hundred twenty-three thousand (123,000), according to the 2010 federal census or any subsequent census, and which some boundary of the district is no more than one-half (1/2) mile from an existing federally designated interstate exit, is no more than twenty (20) miles from the state border of two (2) neighboring states as measured by straight line, is no larger than a total area of nine hundred fifty (950) acres, and is designated as a regional retail tourism development district by a municipal ordinance and certified by the commissioner.

On motion, House Amendment No. 2 was adopted.

Rep. M. Hill moved that **House Bill No. 524**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 92  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Moody, Moon, Ogles, Parkinson,

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Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--92

A motion to reconsider was tabled.

**House Bill No. 473** -- Sunset Laws - As introduced, extends the private probation services council to June 30, 2021. - Amends TCA Title 4, Chapter 29 and Title 16, Chapter 3, Part 9. by \*Daniel, \*Rudder. (\*SB141 by \*Roberts)

On motion, House Bill No. 473 was made to conform with **Senate Bill No. 141**; the Senate Bill was substituted for the House Bill.

Rep. Daniel moved that Senate Bill No. 141 be passed on third and final consideration.

Rep. Rudder moved that Government Operations Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Rudder moved adoption of Government Operations Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 141 by inserting the following new sections immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION \_\_\_. Tennessee Code Annotated, Section 16-3-909(a)(3), is amended by deleting the subdivision and substituting instead the following:

(3) Establish forty (40) hours of orientation for new private probation officers and eight (8) hours of annual continuing education;

SECTION \_\_\_. Tennessee Code Annotated, Section 16-3-909, is amended by adding the following as a new subsection (b) and redesignating the subsequent subsection accordingly:

(b) The council:

(1) May reinstate a license upon the payment of a renewal fee, as set by the council; and

(2) Shall establish a late renewal fee, to be equal to twenty-five percent (25%) of the registration fee.

On motion, Government Operations Committee Amendment No. 2 was adopted.

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Rep. Daniel moved that **Senate Bill No. 141**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Todd, Towns, Travis, Van Huss, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--93

A motion to reconsider was tabled.

**House Bill No. 465** -- Sunset Laws - As introduced, extends the department of environment and conservation to June 30, 2023. - Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by \*Daniel, \*Hardaway. (\*SB134 by \*Roberts)

On motion, House Bill No. 465 was made to conform with **Senate Bill No. 134**; the Senate Bill was substituted for the House Bill.

Rep. Daniel moved that **Senate Bill No. 134** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Weaver, White, Whitson, Windle, Wright, Zachary, Mr. Speaker Casada--93

A motion to reconsider was tabled.

**\*House Bill No. 565** -- Statutes of Limitations and Repose - As introduced, extends civil and criminal statutes of limitation for certain acts of abuse against minors; increases the penalty for intentional failure to report child abuse or child sexual abuse. - Amends TCA Title 28; Title 37 and Title 40. by \*Dunn. (SB1252 by \*Gresham)

Rep. Dunn moved that House Bill No. 565 be passed on third and final consideration.

Rep. Curcio moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 565 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 28-3-116, is amended by deleting subsection (b) and substituting instead the following:

(b) Notwithstanding § 28-3-104, a civil action for an injury or illness based on child sexual abuse that occurred when the injured person was a minor must be brought:

(1) For child sexual abuse that occurred before July 1, 2019, but was not discovered at the time of the abuse, within three (3) years from the time of discovery of the abuse by the injured person; or

(2) For child sexual abuse that occurred on or after July 1, 2019, within the later of:

(A) Fifteen (15) years from the date the person becomes eighteen (18) years of age; or

(B) If the injury or illness was not discovered at the time of the abuse, within three (3) years from the time of discovery of the abuse by the injured person.

SECTION 2. Tennessee Code Annotated, Section 28-3-116, is amended by deleting subsection (e) and substituting instead the following:

(e) If an action is brought against someone other than the alleged perpetrator of the child sexual abuse, and if the action is brought more than one (1) year from the date the injured person becomes eighteen (18) years of age, the injured person must offer admissible and credible evidence corroborating the claim of abuse by the alleged perpetrator.

SECTION 3. Tennessee Code Annotated, Section 37-1-412, is amended by deleting the section and substituting instead the following:

(a)



(1) Any person who knowingly fails to make a report required by § 37-1-403 commits an offense.

(2)

(A) A violation of subdivision (a)(1) is a Class A misdemeanor.

(B) A second or subsequent violation of subdivision (a)(1) is a Class E felony.

(3) Any person who intentionally fails to make a report required by § 37-1-403 commits a Class E felony.

(b)

(1) A juvenile court having reasonable cause to believe that a person is guilty of violating this section may have the person brought before the court either by summons or by warrant. If the defendant pleads not guilty, the juvenile court judge shall bind the defendant over to the grand jury.

(2) If the defendant pleads guilty to a first offense under subdivision (a)(1) and waives, in writing, indictment, presentment, grand jury investigation, and trial by jury, the juvenile court judge shall sentence the defendant with a fine not to exceed two thousand five hundred dollars (\$2,500).

SECTION 4. Tennessee Code Annotated, Section 37-1-615, is amended by deleting subsection (a) and substituting instead the following:

(a)

(1) Any person required to report known or suspected child sexual abuse who knowingly fails to do so, or who knowingly prevents another person from doing so, commits an offense.

(2)

(A) A violation of subdivision (a)(1) is a Class A misdemeanor.

(B) A second or subsequent violation of subdivision (a)(1) is a Class E felony.

(3) Any person required to report known or suspected child sexual abuse who intentionally fails to do so, or who intentionally prevents another person from doing so, commits a Class E felony.

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SECTION 5. Tennessee Code Annotated, Section 40-2-101(h)(2), is amended by deleting the language "but prior to July 1, 2014,".

SECTION 6. Tennessee Code Annotated, Section 40-2-101(i)(2), is amended by deleting the language "but prior to July 1, 2014,".

SECTION 7. Tennessee Code Annotated, Section 40-2-101, is amended by deleting subsection (l) and substituting instead the following:

(l)

(1) Notwithstanding subsections (b), (g), (h), and (i) to the contrary, unless prosecution of the offense is barred because the applicable limitation of time otherwise established in this section for prosecution of the offense expired prior to July 1, 2014, the following offenses may be prosecuted, tried, and punished at any time after commission of the following offenses:

(A) Aggravated rape, as prohibited by § 39-13-502;

(B) Rape, as prohibited by § 39-13-503;

(C) Rape of a child, as prohibited by § 39-13-522; or

(D) Aggravated rape of a child, as prohibited by § 39-13-531.

(2) For subdivision (l)(1) to apply, within three (3) years of the date the offense was committed, the victim or, in the case of a minor victim, the victim's parent or legal guardian, must report the offense to a law enforcement agency or an office of the district attorney general.

(3) If the victim of a crime listed in subdivision (l)(1) was a minor and subdivision (l)(1) does not apply because the reporting requirement in subdivision (l)(2) was not timely satisfied, prosecution must be commenced pursuant to subsection (h) or (i), or subsections (o) and (p).

(4) If the victim of a crime listed in subdivision (l)(1) was an adult and the statute of limitation in subdivision (l)(1) does not apply because the reporting requirement in subdivision (l)(2) was not timely satisfied, prosecution must be commenced as otherwise provided by this section.

SECTION 8. Tennessee Code Annotated, Section 40-2-101, is amended by adding the following new subsections:

(o) Notwithstanding subsection (b), (g), (h), (i), (j), (k), and (l), a person may be prosecuted, tried, and punished at any time after the commission of an offense if:

- (1) The offense was committed on or after July 1, 2019;
- (2) The offense was committed against a child less than eighteen (18) years of age; and
- (3) The offense was one (1) of the following:
  - (A) Trafficking for a commercial sex act, as prohibited by § 39-13-309;
  - (B) Aggravated rape, as prohibited by § 39-13-502;
  - (C) Rape, as prohibited by § 39-13-503;
  - (D) Aggravated sexual battery, as prohibited by § 39-13-504;
  - (E) Continuous sexual abuse of a child, as prohibited by § 39-13-518;
  - (F) Rape of a child, as prohibited by § 39-13-522;
  - (G) Sexual battery by an authority figure, as prohibited by § 39-13-527;
  - (H) Solicitation of a minor, as prohibited by § 39-13-528, when the offense solicited is listed in this subdivision (o)(3);
  - (I) Soliciting sexual exploitation of a minor - exploitation of a minor by electronic means, as prohibited by § 39-13-529(b), where the minor is less than thirteen (13) years of age, or § 39-13-529(a);
  - (J) Aggravated rape of a child, as prohibited by § 39-13-531;
  - (K) Statutory rape by an authority figure, as prohibited by § 39-13-532;
  - (L) Incest, as prohibited by § 39-15-302;
  - (M) Sexual exploitation of a minor, as prohibited by § 39-17-1003;
  - (N) Aggravated sexual exploitation of a minor, as prohibited by § 39-17-1004; or
  - (O) Especially aggravated sexual exploitation of a minor, as prohibited by § 39-17-1005.

(p)

(1) In order to commence prosecution for an offense listed in subdivision (o)(3) at a date that is more than twenty-five (25) years from the date the victim becomes eighteen (18) years of age, the prosecution is required to offer admissible and credible evidence corroborating the charges.

(2) If prosecution for an offense listed in subdivision (o)(3) may be commenced under subsection (l), admissible and credible evidence corroborating the charge is not required.

SECTION 9. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 10. This act shall take effect July 1, 2019, the public welfare requiring it

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Lamberth moved the previous question, which motion prevailed.

Rep. Dunn moved that **House Bill No. 565**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Weaver, White, Whitson, Windle, Wright, Zachary, Mr. Speaker Casada--93

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 565** and have this statement entered in the Journal: Rep. Hakeem.

**REGULAR CALENDAR, CONTIUNED**

**House Bill No. 567** -- Education - As introduced, directs the Tennessee School for the Deaf, together with the West Tennessee School for the Deaf, to establish a two-year deaf mentor pilot project to assist families and agencies in implementing bilingual and bicultural home-based programming for young children who are deaf, hard of hearing, or deaf-blind. - Amends TCA Title 49, Chapter 10, Part 9. by \*White, \*Bricken, \*Lynn, \*Holsclaw, \*Hardaway, \*Ogles. (\*SB310 by \*Massey)

Rep. White moved that House Bill No. 567 be passed on third and final consideration.

Rep. Haston moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 567 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 10, Part 9, is amended by adding the following language as a new section:

(a)

(1) The Tennessee School for the Deaf, together with the West Tennessee School for the Deaf, shall establish a one-year deaf mentor pilot project to assist families and agencies in implementing bilingual and bicultural home-based programming for young children who are deaf, hard of hearing, or deaf-blind.

(2) The pilot project must consist of one (1) program to be implemented at the Tennessee School for the Deaf, Knoxville campus.

(3) The pilot project must focus on:

(A) Preventing language deprivation;

(B) Providing a positive impact on a child's social and emotional development through a deaf role model; and

(C) Ensuring that children who are deaf have equal access to learning opportunities at home and in the community.

(4) The pilot project must use a deaf mentor curriculum.

(5) The pilot project must provide hearing parents of children who are deaf, hard of hearing, or deaf-blind with the option of using a deaf mentor to expose the parents' children to American Sign Language and deaf culture, allowing the children to grow and learn in a bilingual and bicultural milieu of hearing and deaf cultures instead of limiting the

children's exposure to a signed or spoken English-only environment and the hearing culture of the children's families.

(b) Deaf mentors shall:

(1) Make regular visits to the homes of young children who are deaf, hard of hearing, or deaf-blind;

(2) Interact with the children using American Sign Language;

(3) Demonstrate to family members how to use American Sign Language; and

(4) Help families understand and appreciate deafness and deaf culture.

(c) The pilot project will begin with the 2019-2020 school year.

(d) At the end of the pilot project, the department of education shall evaluate the pilot project to determine whether the pilot project should be continued or replicated. The department shall report its findings and conclusions to the education committee of the senate and the education committee of the house of representatives by no later than February 1, 2021.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. White moved that **House Bill No. 567**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 92  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Garrett, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Weaver, White, Whitson, Windle, Wright, Zachary, Mr. Speaker Casada--92

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **House Bill No. 567** and have this statement entered in the Journal: Rep. Camper.

REGULAR CALENDAR, CONTIUNED

**House Bill No. 982** -- Education - As introduced, requires the safety instruction provided by a school to include information about the proper and safe usage of dockless electric scooters, if such scooters are available for use in the area around the school. - Amends TCA Title 49. by \*White, \*Lamberth. (\*SB187 by \*Gresham, \*Haile)

Rep. White moved that House Bill No. 982 be passed on third and final consideration.

Rep. Haston moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 982 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 60, is amended by adding the following as a new section:

Tennessee comprehensive assessment program (TCAP) tests administered in the 2019-2020 school year must be administered in paper format. Before TCAP tests are administered in the 2020-2021 school year, each LEA shall participate in an online verification test conducted by the department of education. The commissioner of education shall determine, based on the results of the online verification test, the format for TCAP tests administered in the 2020-2021 school year.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. Coley moved the previous question, which motion prevailed.

Rep. White moved that **House Bill No. 982**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes.....	0

Representatives voting aye were: Baum, Beck, Boyd, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey,

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Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Weaver, White, Whitson, Windle, Wright, Zachary, Mr. Speaker Casada--94

A motion to reconsider was tabled.

**House Bill No. 1047** -- Courts - As introduced, makes various changes to zero to three courts, including adding five additional courts, extending such courts to January 1, 2025, and allowing such courts to reinstate a revoked or suspended driver license of a party to an action before the court and waive unpaid fines and fees based on the party's satisfactory progress toward meeting the goals of the court. - Amends TCA Title 16; Title 36; Title 37 and Chapter 366 of the Public Acts of 2017. by \*White, \*Littleton, \*Hardaway. (\*SB649 by \*Haile)

On motion, House Bill No. 1047 was made to conform with **Senate Bill No. 649**; the Senate Bill was substituted for the House Bill.

Rep. White moved that Senate Bill No. 649 be passed on third and final consideration.

Rep. Curcio moved that Judiciary Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. White moved that **Senate Bill No. 649** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--95

A motion to reconsider was tabled.



**\*House Bill No. 690** -- Taxes, Sales - As introduced, allocates a portion of sales and use tax revenue to certain counties in which a new event center is to be constructed. - Amends TCA Title 67, Chapter 6. by \*Johnson C, \*Hodges, \*Reedy. (SB648 by \*Kurita)

On motion, House Bill No. 690 was made to conform with **Senate Bill No. 648**; the Senate Bill was substituted for the House Bill.

Rep. C. Johnson moved that Senate Bill No. 648 be passed on third and final consideration.

Rep. Lynn moved adoption of Finance, Ways, and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 648 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-103, is amended by adding the following as a new subsection:

( )

(1) Notwithstanding the allocations provided for in subsection (a), if a new event center is to be constructed for use, in part, by a state university with an independent board of trustees in a county in which there is a population in excess of one hundred fifty thousand (150,000) in accordance with the 2010 federal census or the most recent subsequent census, and in which there is located, in whole or in part, a military base with enlisted active duty personnel in excess of twenty thousand (20,000) as of December 31, 2018, then an amount shall be apportioned and distributed to a public entity designated by the county that is responsible for the retirement of all or a portion of the original debt on such event center equal to the amount of any incremental state and local sales and use tax revenue, including any portion of local sales taxes that otherwise would be allocated for school purposes, from the sale of food and drink and other authorized goods or products sold on the premises of the event center, ticket sales, parking charges, and related services on the premises of the event center. Any such incremental tax revenues shall be applied to the original debt service related to the event center, and shall not be applied to any debt issued for the purposes of refinancing the original debt. This apportionment and distribution shall continue until the date on which the original debt relating to the event center is retired, or until the expiration of thirty (30) years, whichever is sooner. For purposes of this subdivision ( ) (1), an event center shall include the facility in which events are held and shall also include any and all ancillary facilities such as parking facilities adjacent to the facility in which events are held.

(2) Notwithstanding subdivision ( ) (1) to the contrary, no portion of the revenue derived from the increase in the rate of sales and use tax

allocated to educational purposes pursuant to chapter 529, § 9 of the Public Acts of 1992, and no portion of the revenue derived from the increase in the rate of sales and use tax from six percent (6%) to seven percent (7%) contained in chapter 856, § 4 of the Public Acts of 2002 shall be apportioned and distributed pursuant to subdivision ( ) (1). The revenue shall continue to be allocated as provided in chapter 529 of the Public Acts of 1992 and chapter 856 of the Public Acts of 2002, respectively.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1 was adopted.

Rep. C. Johnson moved that **Senate Bill No. 648**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--94

Representatives present and not voting were: Rudd--1

A motion to reconsider was tabled.

**\*House Bill No. 729** -- Courts - As introduced, sets the minimum compensation payable to officially designated and auxiliary court reporters designated as licensed court reporters by the Tennessee board of court reporting at the rates of \$350 per full-day appearance and \$175 per half-day appearance. - Amends TCA Title 8, Chapter 23; Title 20, Chapter 9, Part 6; Title 20, Chapter 9, Part 1 and Title 40, Chapter 14, Part 3. by \*Lamberth, \*Camper, \*Parkinson, \*Doggett, \*Hicks, \*Hazlewood, \*Cepicky, \*Helton, \*Howell, \*Garrett, \*Farmer, \*Crawford. (SB667 by \*Haile)

Rep. Lamberth moved that House Bill No. 729 be passed on third and final consideration.

Rep. Curcio moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 729 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-14-311, is amended by deleting the section and substituting instead the following:

The minimum compensation payable to court reporters with at least ten (10) years of experience or court reporters holding the designation licensed court reporter (LCR), as defined in § 20-9-602, issued by the Tennessee board of court reporting is set at the following rates:

- (1) For a full-day appearance, three hundred fifty dollars (\$350);  
and
- (2) For a half-day appearance, one hundred seventy-five dollars (\$175).

SECTION 2. Tennessee Code Annotated, Section 40-14-312, is amended by deleting the following language:

Each court reporter may charge and collect fees for transcripts at rates prescribed by the administrative director.

and substituting instead the following:

The fee rate that may be charged and collected by a court reporter for transcripts is four dollars (\$4.00) per page.

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Lamberth moved that **House Bill No. 729**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd,

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

Towns, Travis, Van Huss, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--95

A motion to reconsider was tabled.

**\*House Bill No. 909** -- Elder Abuse - As introduced, enacts the "Elderly and Vulnerable Adult Protection Act of 2019." - Amends TCA Title 39; Title 40 and Title 71. by \*Keisling, \*Doggett, \*Jernigan, \*Calfee, \*Griffey, \*Whitson, \*Sherrell, \*Towns, \*Parkinson, \*Faison, \*Lamberth, \*Curcio, \*Garrett, \*Eldridge, \*Beck, \*Camper, \*Howell, \*Carter, \*Johnson C, \*Mitchell, \*Potts, \*Sanderson, \*Littleton, \*Hulse, \*Van Huss, \*Hazlewood, \*Thompson, \*Staples, \*Terry, \*Cepicky, \*Haston, \*Bricken, \*Powell, \*Chism, \*Crawford, \*Shaw, \*Byrd, \*Coley, \*Hakeem, \*Freeman, \*Kumar, \*Stewart, \*Wright, \*Todd, \*Hurt, \*Williams, \*Hardaway, \*Moon, \*Ramsey, \*Hodges, \*Boyd, \*Ogles, \*Helton, \*Lamar, \*Cooper, \*Hicks, \*Smith, \*Johnson G, \*Rudder, \*Russell, \*Marsh, \*Daniel, \*Dixie, \*Tillis, \*Miller, \*Zachary, \*Sexton C, \*Cochran, \*Sexton J, \*Holsclaw, \*Ragan, \*Gant, \*Travis, \*Halford, \*DeBerry, \*Lynn, \*Windle, \*Powers. (SB1039 by \*Gardenhire)

Rep. Keisling moved that House Bill No. 909 be passed on third and final consideration.

Rep. Curcio moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 909 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Elderly and Vulnerable Adult Protection Act of 2019."

SECTION 2. Tennessee Code Annotated, Section 39-15-501, is amended by inserting the following appropriately designated subdivisions:

( ) "Abuse" means the infliction of physical harm;

( ) "Serious psychological injury" means any mental harm that would normally require extended medical treatment, including hospitalization or institutionalization, or mental harm involving any degree of prolonged incapacity;

( ) "Sexual exploitation" means an act committed upon or in the presence of an elderly or vulnerable adult, without that adult's effective consent, for purposes of sexual gratification. "Sexual exploitation" includes, but is not limited to, fondling; exposure of genitals to an elderly or vulnerable adult; exposure of sexual acts to an elderly or vulnerable adult; exposure of an elderly or vulnerable adult's sexual organs; an intentional act or statement by a person intended to shame, degrade, humiliate, or otherwise harm the personal dignity of an elderly or vulnerable adult; or an act or statement by a person who knew or should have known the act or statement would cause shame, degradation, humiliation, or harm to the personal dignity of an elderly or vulnerable adult. "Sexual exploitation" does not include any act intended for a valid medical purpose, or

any act reasonably intended to be a normal caregiving act, such as bathing by appropriate persons at appropriate times;

SECTION 3. Tennessee Code Annotated, Section 39-15-501(6)(C), is amended by deleting the subdivision and substituting instead the following:

The act of obtaining or exercising control over an elderly or vulnerable adult's property, without receiving the elderly or vulnerable adult's effective consent, by a caregiver committed with the intent to benefit the caregiver or other third party;

SECTION 4. Tennessee Code Annotated, Section 39-15-501(7)(A)(ii), is amended by deleting the subdivision and substituting instead the following:

(ii) The failure of a caregiver to make a reasonable effort to protect an elderly or vulnerable adult from abuse, sexual exploitation, neglect, or financial exploitation by others;

SECTION 5. Tennessee Code Annotated, Section 39-15-506(a)(1), is amended by deleting the language "Following a conviction for a violation of § 39-15-502, § 39-15-507(a)-(c) or § 39-15-508" and substituting instead the language "Following a conviction for a violation of § 39-15-502, § 39-15-507(b)-(c), § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512".

SECTION 6. Tennessee Code Annotated, Section 39-15-506(b)(1), is amended by deleting the language "In addition to any other punishment that may be imposed for a violation of § 39-15-502, § 39-15-507, or § 39-15-508" and substituting instead the language "In addition to any other punishment that may be imposed for a violation of § 39-15-502, § 39-15-507, § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512".

SECTION 7. Tennessee Code Annotated, Section 39-15-507(a), is amended by deleting the language "willfully and".

SECTION 8. Tennessee Code Annotated, Section 39-15-509(a)(1), is amended by deleting the language "suffering or has suffered neglect or financial exploitation" and substituting instead the language "suffering or has suffered abuse, sexual exploitation, neglect, or financial exploitation".

SECTION 9. Tennessee Code Annotated, Section 39-15-509(c), is amended by deleting the language "knowingly fail to report neglect or financial exploitation" and substituting instead the language "knowingly fail to report abuse, sexual exploitation, neglect, or financial exploitation".

SECTION 10. Tennessee Code Annotated, Section 39-15-509(e), is amended by deleting the language "commencement of criminal prosecution of neglect or financial exploitation" and substituting instead the language "commencement of criminal prosecution of abuse, sexual exploitation, neglect, or financial exploitation".

SECTION 11. Tennessee Code Annotated, Section 39-15-509(f), is amended by deleting the language "alleging neglect or financial exploitation" and substituting instead the language "alleging abuse, sexual exploitation, neglect, or financial exploitation".

SECTION 12. Tennessee Code Annotated, Title 39, Chapter 15, Part 5, is amended by adding the following language as new sections:

**39-15-510.**

(a) It is an offense for a person to knowingly abuse an elderly or vulnerable adult.

(b) The offense of abuse of an elderly adult is a Class E felony.

(c) The offense of abuse of a vulnerable adult is a Class D felony.

**39-15-511.**

(a) A person commits the offense of aggravated abuse of an elderly or vulnerable adult who knowingly commits abuse pursuant to § 39-15-510, and:

(1) The act results in serious psychological injury or serious physical harm;

(2) A deadly weapon is used to accomplish the act or the abuse involves strangulation as defined in § 39-13-102; or

(3) The abuse results in serious bodily injury.

(b) A violation of subdivision (a)(1) is a Class C felony.

(c) A violation of subdivision (a)(2) or (a)(3) is a Class B felony.

**39-15-512.**

(a) It is an offense for any person to knowingly sexually exploit an elderly adult or vulnerable adult.

(b) A violation of this section is a Class A misdemeanor.

SECTION 13. Tennessee Code Annotated, Section 71-6-124, is amended by deleting the section and substituting instead the following:

(a)

(1)

(A) Any relative, conservator, or agent of the Tennessee commission on aging and disability; designated agency or assign

of the relative, conservator, or commission; or attorney ad litem having personal knowledge that an adult has been the subject of a violation of § 39-15-502, § 39-15-507, § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512, or that such adult is threatened with or placed in fear of a violation of any of those sections, may seek relief for the adult pursuant to this section by filing a sworn petition with any court having jurisdiction under this part alleging that the respondent has violated or threatens to violate § 39-15-502, § 39-15-507, § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512, regardless of the existence of any other remedy at law.

(B) The petition must allege facts, based upon personal knowledge of the petitioner, that the adult either lacks the capacity to consent or that appearing in court to petition on the adult's own behalf would pose an undue burden on the adult.

(C) An elderly or vulnerable adult, who has been the subject of a violation of § 39-15-502, § 39-15-507, § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512, or has been threatened with or placed in fear of a violation of any of those sections, may seek relief pursuant to this section by filing a sworn petition with any court having jurisdiction under this part alleging that the respondent has violated or threatens to violate § 39-15-502, § 39-15-507, § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512, regardless of the existence of any other remedy at law.

(D)

(i) Notwithstanding subdivisions (a)(1)(A) and (C), and for good cause shown, the court may issue an ex parte order of protection pursuant to this section upon a sworn petition filed by a law enforcement officer responding to an incident involving an elderly or vulnerable adult victim who asserts in the petition reasonable grounds to believe that the adult is in immediate and present danger of abuse, neglect, financial exploitation, or sexual exploitation as defined in § 39-15-501, and that the adult either has consented to the filing or lacks the capacity to consent; provided, that the person on whose behalf the law enforcement officer seeks the ex parte order of protection is considered the petitioner for purposes of this section. The court may waive any court costs, taxes, or fees for obtaining an order of protection upon a finding that the individual for whose benefit an order of protection has been sought is indigent. If a third party seeking an order of protection represents to the court under oath that the individual for whose benefit the order of protection has been sought is indigent, the court will presume that the individual for whose benefit the order of protection has

been sought is indigent absent clear and convincing evidence to the contrary.

(ii) The law enforcement officer may seek on behalf of the adult the ex parte order regardless of the time of day and regardless of whether an arrest has been made.

(iii) If an ex parte order is issued pursuant to this section outside of the court's normal operating hours, the law enforcement officer, judge, or judicial official shall cause the petition and order to be filed with the court as soon as practicable after issuance, but no later than two (2) business days after issuance; and

(iv) Law enforcement officers shall not be subject to civil liability under this section for failure to file a petition or for any statement made or act performed in filing the petition, if done in good faith.

(E) Venue for a petition for an order of protection, and all other matters relating to orders of protection, is in the county where the respondent resides or the county in which the violation of § 39-15-502, § 39-15-507, § 39-15-508, § 39-15-510, § 39-15-511, or § 39-15-512 occurred or is threatened to occur. If the respondent is not a resident of this state, the petition may be filed in the county where the adult resides.

(2)

(A) Pursuant to subdivision (a)(1)(A), the court may enter an immediate ex parte order of protection against the respondent if the petition alleges upon personal knowledge of the petitioner, and the court finds in its ex parte order, that the adult lacks capacity to consent or that the adult lacks the ability to be present to petition on their own behalf and is in immediate danger of abuse, neglect, financial exploitation, or sexual exploitation.

(B) Pursuant to subdivision (a)(1)(C), the court may enter an immediate ex parte order of protection against the respondent if the court finds in its ex parte order that the elderly adult is in immediate danger of abuse, neglect, financial exploitation, or sexual exploitation.

(C) Pursuant to subdivision (a)(1)(D), the court may enter an immediate ex parte order of protection against the respondent if the court finds in its ex parte order that the elderly adult is in immediate and present danger of abuse, neglect, financial exploitation, or sexual exploitation, and that the adult has either consented to the filing or lacks the capacity to consent.



(3) The petition and any ex parte order issued pursuant to this section shall be personally served upon the respondent, and if filed pursuant to subdivision (a)(1)(A) or (a)(1)(D), upon the adult. If the respondent is not a resident of this state, the ex parte order must be served pursuant to §§ 20-2-215 and 20-2-216.

(4) The clerk of the court shall send written notice of the filing of the petition and copies of the petition and the ex parte order of protection against the respondent, if any, to the adult protective services unit of the department of human services in the county where the petition is filed. The department is not responsible for court costs, costs of representation, or costs for a guardian ad litem related to a petition for an ex parte order of protection, or any ex parte order of protection issued pursuant to this section. The department has a right to intervene in the proceeding, but is not otherwise required to initiate any legal action as a result of such notice. The department may, at any time, file a petition pursuant to § 71-6-107 if the department determines the adult who is the subject of a petition for an order of protection is in need of protective services.

(5)

(A) Within fifteen (15) days of service of an ex parte order of protection against the respondent, a hearing must be held, at which time the court shall either dissolve any ex parte order that has been issued, or shall, if the petitioner has proven the allegations made pursuant to subdivision (a)(1)(A), (a)(1)(C), or (a)(1)(D), by a preponderance of the evidence, extend the order of protection for a definite period of time, not to exceed one (1) year, unless a further hearing on the continuation of such order is requested by the adult, the respondent, or the petitioner; in which case, on proper showing of cause, such order may be continued for a further definite period of one (1) year.

(B) Any ex parte order of protection shall be in effect until the time of the hearing and, if the hearing is held within fifteen (15) days of service of such order, the ex parte order continues in effect until the entry of any subsequent order of protection, proceedings under title 34, chapters 1-3, are concluded, or the order of protection is dissolved. If no ex parte order of protection has been issued as of the time of the hearing, and the petitioner has proven the allegations made pursuant to subdivision (a)(1)(A), (a)(1)(C), or (a)(1)(D) by a preponderance of the evidence, the court may, at that time, issue an order of protection for a definite period of time, not to exceed one (1) year.

(C) The court shall cause a copy of the petition and notice of the date set for the hearing on such petition, as well as a copy of any ex parte order of protection, to be served upon the respondent, and if filed pursuant to subdivision (a)(1)(A) or (a)(1)(D), upon the adult at least three (3) days prior to such

hearing. Such notice shall advise the respondent and the adult that each may be represented by counsel. The court may appoint a guardian ad litem under § 34-1-107.

(D) Within the time the order of protection is in effect, any court with jurisdiction under this part may modify the order of protection, either upon the court's own motion or upon motion of the adult, the respondent, or the petitioner.

(b) An order of protection granted pursuant to this section may:

(1) Order the respondent to refrain from committing a violation of this part or title 39, chapter 15, part 5 against an adult;

(2) Order the respondent to refrain from threatening to misappropriate or further misappropriating any moneys, state or federal benefits, retirement funds, or any other personal or real property belonging to the adult;

(3) Order the return to the adult, the adult's caretaker, conservator, or other fiduciary any moneys, state or federal benefits, retirement funds, or any other personal or real property belonging to the adult obtained by the respondent as a result of exploitation of the adult or as a result of any other misappropriation of such funds or property of the adult by the respondent. The court may enter judgment against the respondent for the repayment or return to the adult or the adult's caretaker, conservator, or other fiduciary of any moneys, government benefits, retirement funds, or any other personal or real property belonging to the adult that are under the control of or that have been obtained by the respondent as a result of exploitation or misappropriation from the adult. This subdivision (b)(3) does not preclude an action under § 71-6-120. The court may, if the amount in question exceeds ten thousand dollars (\$10,000), require any caretaker or custodian of funds appointed under this section to post a bond as required by § 34-1-105;

(4) Enjoin the respondent from providing care for an adult, or working in any situation involving the care of an adult, whether such action occurs in an institutional setting, in any type of group home or foster care arrangement serving adults, and regardless of whether such person, facility, or arrangement serving adults is licensed to provide care for adults;

(5) Prohibit the respondent from telephoning, contacting, or otherwise communicating with the adult, directly or indirectly; and

(6) Subject to the limitations otherwise stated in this section, grant any other relief deemed necessary by the court to protect an adult.

(c) All orders of protection shall be effective for a fixed period of time, not to exceed one (1) year. The court may modify its order at any time upon

subsequent motion filed by any party together with an affidavit showing a change in circumstances sufficient to warrant the modification. The petitioner, respondent, adult, or the court on its own motion may commence a proceeding under title 34, chapters 1-3 to determine whether a fiduciary or conservator should be appointed, if any party alleges that the conditions giving rise to the order of protection continue or may continue beyond the one (1) year.

(d)

(1) If the respondent and the adult have been served with a copy of the petition filed pursuant to subdivision (a)(1)(A) or (a)(1)(D) and notice of hearing, the order of protection is effective when the order is entered. For purposes of this subdivision (d)(1), an order is considered entered once a hearing is conducted and such order is signed by:

(A) The judge and all parties or counsel;

(B) The judge and one (1) party or counsel and the order contains a certificate of counsel that a copy of the proposed order has been served on all other parties or counsel; or

(C) The judge and the order contains a certificate of the clerk that a copy has been served on all other parties or counsel.

(2) Service upon a party or counsel must be made by delivering to such party or counsel a copy of the order of protection, or by the clerk mailing it to the party's last known address. In the event the party's last known address is unknown and cannot be ascertained upon diligent inquiry, the certificate of service must so state. Service by mail is complete upon mailing.

(3) If the respondent and the adult have been served with a copy of the petition filed pursuant to subdivision (a)(1)(A) or (a)(1)(D) and notice of hearing, an order of protection issued pursuant to this part after a hearing shall be in full force and effect against the respondent from the time it is entered, regardless of whether the respondent is present at the hearing.

(4) A copy of any order of protection and any subsequent modifications or dismissal must be issued by the clerk of the court to the petitioner, the respondent, and the local law enforcement agencies having jurisdiction in the area where the adult resides. Upon receipt of the copy of the order of protection or dismissal from the issuing court or clerk's office, the local law enforcement agency shall take any necessary action to immediately transmit it to the national crime information center.

(5) Upon violation of an order of protection entered pursuant to this section, a court may order any appropriate punishment or relief as provided for in § 36-3-610.

(e)

(1) It is an offense to knowingly violate an order of protection issued pursuant to this section. A law enforcement officer may arrest a respondent who is the subject of an order of protection issued pursuant to this section with or without warrant.

(2) In order to constitute a violation of this section:

(A) The person must have received notice of the request for an order of protection;

(B) The person must have had an opportunity to appear and be heard in connection with the order of protection or restraining order; and

(C) The court must have made specific findings of fact in the order of protection that the person committed a violation of this part.

(3) Any law enforcement officer shall arrest the respondent without a warrant if:

(A) The officer has proper jurisdiction over the area in which the violation occurred;

(B) The officer has reasonable cause to believe the respondent has violated or is in violation of an order of protection; and

(C) The officer has verified that an order of protection is in effect against the respondent. If necessary, the law enforcement officer may verify the existence of an order of protection by telephone or radio communication with the appropriate law enforcement department.

(4) Any person arrested for a violation of an order of protection entered pursuant to this section shall be treated as a person arrested for a violation of an order of protection issued pursuant to title 36, chapter 3, part 6.

(5) A violation of this subsection (e) is a Class A misdemeanor, and any sentence imposed is to be served consecutively to the sentence for any other offense that is based in whole or in part on the same factual allegations, unless the sentencing judge or magistrate specifically orders the sentences for the offenses arising out of the same facts to be served concurrently.

(f) Notwithstanding § 71-6-102, for purposes of this section:

(1) "Abuse, neglect, or exploitation" includes:

(A) Abuse, neglect, and exploitation, as those terms are defined in § 71-6-102; and

(B) Abuse, neglect, financial exploitation, and sexual exploitation, as those terms are defined in § 39-15-501; and

(2) "Adult" means an adult as defined in § 71-6-102 or an elderly adult or vulnerable adult as those terms are defined in § 39-15-501.

SECTION 14. Tennessee Code Annotated, Section 40-35-313(a)(1)(B)(i)(c), is amended by deleting the language "§ 39-15-502, § 71-6-117, § 71-6-119, or § 39-15-508" and substituting instead the language "§ 39-15-502, § 39-15-508, § 39-15-511, or § 39-15-512".

SECTION 15. Tennessee Code Annotated, Section 40-35-313(a)(3)(A), is amended by deleting the language "a violation of § 39-15-507 or § 71-6-117 on or after July 1, 2018" and substituting instead the language "a violation of § 39-15-507 on or after January 1, 2019, or § 39-15-510 on or after July 1, 2019".

SECTION 16. Tennessee Code Annotated, Sections 71-6-117 and 71-6-119, are deleted in their entireties.

SECTION 17. Tennessee Code Annotated, Section 71-6-125(d), is amended by deleting the language "By December 1 of each year" and substituting instead the language "By January 31 of the following year".

SECTION 18. For the purposes of promulgating rules required by this act, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2020, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Keisling moved that **House Bill No. 909**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson,

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

Tillis, Todd, Towns, Travis, Van Huss, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--96

A motion to reconsider was tabled.

**\*House Bill No. 917** -- Child Abuse - As introduced, creates the Class A misdemeanor and Class E felony offenses of withdrawing, transferring, or altering a child's school enrollment with intent to hinder an active child abuse or child neglect investigation. - Amends TCA Title 37; Title 39 and Title 49. by \*Keisling, \*Littleton, \*Curcio, \*Sherrell, \*Eldridge, \*Garrett, \*Griffey, \*Thompson, \*Towns, \*Holsclaw, \*Helton, \*Freeman, \*Dixie, \*Hazlewood. (SB1359 by \*Yager, \*Bowling)

On motion, House Bill No. 917 was made to conform with **Senate Bill No. 1359**; the Senate Bill was substituted for the House Bill.

Rep. Keisling moved that Senate Bill No. 1359 be passed on third and final consideration.

Rep. Curcio moved that Judiciary Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Keisling moved that **Senate Bill No. 1359** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--95

A motion to reconsider was tabled.

**House Bill No. 1156** -- Judicial Districts - As introduced, extends the deadline for the advisory task force reviewing the composition of Tennessee's current judicial districts to publish its proposed statewide judicial redistricting plan from December 1, 2019, to December 15, 2019. - Amends TCA Title 8, Chapter 14; Title 8, Chapter 7; Title 16; Title 17; Title 18, Chapter 4 and Title 18, Chapter 5. by \*Curcio, \*Casada, \*Ogles, \*Haston, \*Byrd. (\*SB561 by \*Hensley, \*Roberts, \*Johnson)

Rep. Curcio moved that House Bill No. 1156 be passed on third and final consideration.

Rep. Garrett requested that Judiciary Committee Amendment No. 1 be placed at the heel of the amendments.

Rep. Lynn moved adoption of Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

**Amendment No. 2**

AMEND House Bill No. 1156 by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-2-506, is amended by deleting the language "The state is divided into thirty-one (31) judicial districts composed as follows:" and substituting instead the following:

The state is divided into thirty-two (32) judicial districts composed as follows:

SECTION 2. Tennessee Code Annotated, Section 16-2-506, is amended by deleting subdivision (21) and substituting instead the following:

(21)

(A)

(i) Until September 1, 2022, the twenty-first judicial district consists of the counties of Hickman, Lewis, Perry, and Williamson. The two (2) incumbent trial court judges and the district attorney general currently residing in such counties shall continue to serve the twenty-first judicial district in their respective capacities. In 1986, the qualified voters of the twenty-first judicial district shall elect an additional judge or chancellor in accordance with § 16-2-505 to serve the court and part of court designated pursuant to § 16-2-512. Effective January 1, 1998, there is created an additional circuit court in the twenty-first judicial district. At the August 1998 general election, the qualified voters of the twenty-first district shall elect a person in accordance with § 16-2-505, to serve as judge of the circuit court created by this section for an eight-year term;

(ii) Effective September 1, 2018, there is created an additional trial court in the twenty-first judicial district. The type of court, type of judge to preside over the court, and part of court shall be designated as provided in § 16-2-512. The governor shall appoint a person to serve as an additional judge or chancellor, and the person so appointed shall serve in that capacity until September 1, 2020, or until the person's successor is elected and qualified. At the August 2020 general election, the qualified voters of the twenty-first judicial district shall elect an additional judge or chancellor to serve until September 1, 2022, at which time the

additional trial court shall be transferred to the newly created thirty-second judicial district and presided over by a trial court judge elected by voters of the thirty-second judicial district at the August 2022 general election;

(iii) It is the intent of the general assembly by adding an additional trial court in the twenty-first judicial district that the interests of public access to the courts and economy of judicial travel are best served by the presiding judge designating the new trial court created by subdivision (21)(A)(ii) to serve Hickman, Lewis, and Perry counties prior to being transferred to the thirty-second judicial district. Unless otherwise designated by the presiding judge to effectuate the duties enumerated in § 16-2-509(b), the remaining judges shall serve Williamson County;

(B)

(i) Effective September 1, 2022, the twenty-first judicial district consists of the county of Williamson. Except as provided in subdivision (21)(A)(iii), the incumbent trial court judges and the district attorney general currently residing in the county shall continue to serve the twenty-first judicial district in their respective capacities until September 1, 2022. At the August 2022 general election, and every eight (8) years thereafter, the qualified voters of Williamson county shall elect four (4) trial court judges to fill the positions created by subdivision (21)(A)(i) for a full eight-year term;

(ii) Effective September 1, 2022, the additional trial court created by subdivision (21)(A)(ii) shall be transferred to the thirty-second judicial district;

(C)

(i) Except as provided in subdivision (21)(C)(ii), the district attorney general of the twenty-first judicial district is entitled to seven (7) assistant district attorney general positions, one (1) criminal investigator position, and one (1) additional assistant district attorney general position; provided, that the funding for such additional assistant district attorney general position is provided exclusively by the municipal and county governments that comprise the twenty-first judicial district;

(ii) Effective September 1, 2022, the district attorney general of the twenty-first judicial district is entitled to four (4) assistant district attorney general positions, one (1) criminal investigator position, and one (1) additional assistant district attorney general position; provided, that the funding for such additional assistant district attorney general position is provided



exclusively by the municipal and county governments that comprise the twenty-first judicial district;

SECTION 3. Tennessee Code Annotated, Section 16-2-506, is amended by adding the following as a new subdivision:

(32)

(A) Effective September 1, 2022, the thirty-second judicial district consists of the counties of Hickman, Lewis, and Perry. The incumbent trial court judge elected pursuant to subdivision (21)(A)(ii) shall continue to serve the twenty-first judicial district until September 1, 2022, at which time the additional trial court created by subdivision (21)(A)(ii) shall be transferred to the thirty-second judicial district and presided over by a trial court judge to be elected by voters of the thirty-second judicial district at the August 2022 general election. Every eight (8) years thereafter, the qualified voters of the thirty-second judicial district shall elect a judge or chancellor for a full eight-year term;

(B)

(i) Effective September 1, 2022, there is created the position of district attorney general for the thirty-second judicial district. At the regular August election in 2022, the qualified voters of the thirty-second judicial district shall elect a person to the position of district attorney general for a full eight-year term. The person elected to such position shall possess the same qualifications, powers, and duties and shall receive the same compensation, payable in the same manner, benefits, emoluments, and dignity of office as is required or provided by law for other district attorneys general;

(ii) The district attorney general of the thirty-second judicial district is entitled to three (3) assistant district attorney general positions, which shall be transferred from the twenty-first judicial district on September 1, 2022. Additionally, the district attorney general is entitled to two (2) victim-witness coordinator positions and one (1) criminal investigator position. The district attorney general may employ additional assistant district attorneys, victim-witness coordinators, or criminal investigators; provided, that the funding for such additional positions is provided exclusively by the municipal and county governments that comprise the thirty-second judicial district;

(iii) On September 1, 2022, the office space and all state-owned furniture, equipment, supplies, books, and other such office property located in the Centerville or Hohenwald offices of the district attorney general of the twenty-first district and currently being used by the district attorney general of the twenty-first judicial district, or by one (1) of the district attorney general's

assistants or investigators, shall be transferred for the use of the district attorney of the thirty-second judicial district. On and after such date, all such office space and other office property located in the Centerville and Hohenwald offices shall become the space for and property of the office of district attorney general for the thirty-second judicial district. Nothing in this subdivision (32)(B)(ii) prohibits the district attorney general from also establishing another office in the thirty-second judicial district;

(iv) By September 1, 2022, all records, files, papers, and other official documents pertaining to any pending or completed case arising out of any of the counties comprising the thirty-second judicial district shall be transferred to and become the property of the office of district attorney general for the thirty-second judicial district;

SECTION 4. Tennessee Code Annotated, Section 8-14-102(b)(1), is amended by adding the following new subdivision (C):

(i) Effective September 1, 2022, there is created the position of district public defender for the thirty-second judicial district. At the regular August election in 2022, the qualified voters of the thirty-second judicial district shall elect a person to the position of district public defender for a full eight-year term. The person elected to such position shall possess the same qualifications, powers, and duties and shall receive the same compensation, payable in the same manner, benefits, emoluments, and dignity of office as is required or provided by law for other district public defenders.

(ii) The district public defender of the thirty-second judicial district is entitled to three (3) assistant public defender positions, which shall be transferred from the twenty-first judicial district on September 1, 2022, and one (1) district investigator position. The district public defender may employ additional assistant public defenders or district investigators; provided, that the funding for such additional positions is provided exclusively by the municipal and county governments that comprise the thirty-second judicial district;

(iii) On September 1, 2022, the district public defender is entitled to purchase such office space and other office property necessary to establish the office of the district public defender for the thirty-second judicial district. Nothing contained herein shall be construed as prohibiting such district public defender from also establishing an additional office in the thirty-second judicial district. By September 1, 2022, all records, files, papers, and other official documents pertaining to any pending or completed case arising out of any of the counties comprising the thirty-second judicial district shall be transferred to and become the property of the office of district public defender for the thirty-second judicial district.

SECTION 5.

(a) This act shall not be construed to limit, terminate, or otherwise affect the term or future terms of office of any circuit court clerk, criminal court clerk, or clerk and master, subject to the residence requirement found in § 18-1-102. All such incumbents shall continue in office until the expiration of their respective terms of office and shall be eligible for reelection or reappointment. Nothing in this act shall be construed to require, permit or authorize the consolidation of the offices of clerk and master, circuit court clerk, or criminal court clerk or to place any clerk in a position of dominance over any other clerk.

(b) A clerk of court for the newly created thirty-second judicial district shall be elected at the regular August election in 2022, as provided in § 2-3-202, and shall serve a full four-year term, as provided in § 18-4-101, beginning September 1, 2022.

#### SECTION 6.

(a) All process issued after September 1, 2022, shall be returnable at the times and places fixed by local court rules promulgated in accordance with this act. All bonds and undertakings executed after September 1, 2022, shall be governed by local court rules, insofar as to appearance dates and other conditions relating to time and place.

(b) All cases, both civil and criminal except those that have previously been heard and taken under advisement, pending in any court in the twenty-first judicial district prior to September 1, 2022, shall as of that date be heard and determined in the appropriate court by the appropriate judge.

(c) Notwithstanding Tennessee Code Annotated, Title 16, Chapter 2, to the contrary, nothing in this act shall be construed to repeal, amend, or affect in any manner any jurisdiction granted to any local court by any public or private law.

SECTION 7. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Garrett moved that Judiciary Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Curcio moved that **House Bill No. 1156**, as amended, be passed on third and final consideration, which motion failed by the following vote:

Ayes .....	35
Noes.....	42
Present and not voting.....	16

Representatives voting aye were: Bricken, Byrd, Curcio, Doggett, Dunn, Eldridge, Faison, Farmer, Gant, Halford, Hall, Haston, Helton, Hill M, Hill T, Holsclaw, Holt, Keisling,

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Lamberth, Leatherwood, Lynn, Parkinson, Powers, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton C, Sexton J, Smith, Travis, Van Huss, Williams, Mr. Speaker Casada--35

Representatives voting no were: Baum, Boyd, Calfee, Camper, Carr, Cepicky, Chism, Clemmons, Cochran, Cooper, Dixie, Freeman, Hakeem, Hardaway, Hazlewood, Hicks, Hodges, Howell, Hulsey, Hurt, Johnson G, Kumar, Lafferty, Lamar, Littleton, Miller, Mitchell, Moody, Potts, Powell, Sanderson, Shaw, Sparks, Stewart, Thompson, Tillis, Todd, Towns, Weaver, Whitson, Windle, Zachary--42

Representatives present and not voting were: Beck, Carter, Crawford, Daniel, DeBerry, Garrett, Hawk, Johnson C, Marsh, Moon, Ogles, Ragan, Sherrell, Staples, White, Wright--16

House Bill No. 1156, having failed to receive a constitutional majority, was thereby re-referred to the Committee on Calendar and Rules.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "present and not voting" to "aye" on **House Bill No. 1156** and have this statement entered in the Journal: Rep. Crawford.

### REGULAR CALENDAR, CONTINUED

**\*Senate Joint Resolution No. 154** -- Constitutional Amendments - Proposes an amendment to the Constitution of Tennessee to provide for the exercise of powers and duties of the governor during disability. by \*Massey, \*Jackson, \*Kelsey, \*Briggs.

Further consideration of Senate Joint Resolution No. 154, previously considered on April 24, 2019 and April 29, 2019, at which time it was reset for today's Calendar.

Rep. Lamberth moved that **Senate Joint Resolution No. 154** be reset for the Regular Calendar on May 1, 2019, which motion prevailed.

**\*Senate Bill No. 1013** -- Debt Adjustors and Bill Collectors - As introduced, enacts the "Debt Resolution Services Act." - Amends TCA Title 47. by \*Johnson. (HB1182 by \*Keisling, \*Hardaway, \*Love, \*Shaw, \*Calfee, \*Hazlewood)

Further consideration of Senate Bill No. 1013, previously considered on April 11, 2019 and April 17, 2019, at which time the House substituted the Senate Bill for the House Bill and withdrew Amendment No. 1.

Rep. Keisling moved that **Senate Bill No. 1013** be reset for the next available Regular Calendar, which motion prevailed.

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**\*House Bill No. 1340** -- Criminal Offenses - As introduced, creates a Class A misdemeanor of violating a no contact order issued to a domestic violence victim as part of a disposition in any criminal court. - Amends TCA Section 39-13-113. by \*Doggett, \*Byrd, \*Griffey, \*Hall, \*Ramsey, \*Lamberth, \*Faison, \*Howell, \*Littleton, \*Towns, \*Van Huss, \*Parkinson, \*Sanderson, \*Daniel, \*Potts, \*Curcio, \*Ogles, \*Farmer, \*Haston, \*Thompson, \*Lynn, \*Moon, \*Freeman, \*Weaver, \*Carter, \*Hardaway, \*White, \*Coley, \*Crawford, \*Powers. (SB1163 by \*Hensley, \*White)

Further consideration of House Bill No. 1340, previously considered on today's Calendar.

On motion, House Bill No. 1340 was made to conform with **Senate Bill No. 1163**; the Senate Bill was substituted for the House Bill.

Rep. Doggett moved that Senate Bill No. 1163 be passed on third and final consideration.

Rep. Curcio moved that Judiciary Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Doggett moved that **Senate Bill No. 1163** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes.....	0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--94

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE MESSAGES**

**Senate Bill No. 510** -- Insurance Companies, Agents, Brokers, Policies - As introduced, enacts the "Tennessee Right to Shop Act." - Amends TCA Title 8; Title 33; Title 56; Title 63 and Title 68. by \*Roberts, \*Jackson, \*Massey, \*Pody. (\*HB419 by \*Smith, \*Casada, \*Sexton C, \*Helton, \*Howell, \*Daniel, \*Powers, \*Terry, \*Tillis, \*Marsh, \*White, \*Coley, \*Zachary, \*Lafferty, \*Weaver, \*Ragan, \*Hardaway, \*Kumar, \*Sparks, \*Parkinson, \*Haston)

**CONFERENCE COMMITTEE APPOINTED  
ON SENATE BILL NO. 510**

Pursuant to **Rule No. 73**, Representative Smith acceded to the request of the Senate and moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 510, which motion prevailed.

The Speaker appointed Representatives Smith, C. Sexton and Daniel as the House members of the Conference Committee on Senate Bill No. 510.

**HOUSE ACTION ON SENATE MESSAGES**

**\*House Bill No. 1280** -- TennCare - As introduced, directs the governor, through the commissioner of finance and administration, to submit a waiver amendment to the centers for medicare and medicaid services to provide TennCare II funding by means of a block grant indexed for inflation and population growth. - Amends TCA Title 4; Title 33; Title 56 and Title 71. by \*Hill T. (SB1428 by \*Bailey)

Rep. T. Hill moved that the House non-concur in Senate Amendment No. 1 to **House Bill No. 1280**, which motion prevailed.

**CONSENT CALENDAR NO. 2**

**House Resolution No. 129** -- Memorials, Retirement - David Bilan. by \*Hodges.

**House Resolution No. 130** -- Memorials, Recognition - Hawkins Elementary School, 50th anniversary. by \*Hicks.

**\*House Joint Resolution No. 627** -- Memorials, Academic Achievement - Elizabeth Brawner, Valedictorian, Bartlett High School. by \*Coley, \*Miller, \*Leatherwood.

**\*House Joint Resolution No. 628** -- Memorials, Academic Achievement - Walter Price, Salutatorian, Bartlett High School. by \*Coley, \*Miller, \*Leatherwood.

**\*House Joint Resolution No. 629** -- Memorials, Recognition - City of Memphis, Bicentennial. by \*Parkinson.

**\*House Joint Resolution No. 630** -- Memorials, Recognition - Memphis Light, Gas and Water, 80th anniversary. by \*Parkinson.

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**\*House Joint Resolution No. 631** -- Memorials, Recognition - Shelby County, Bicentennial. by \*Parkinson.

**\*Senate Joint Resolution No. 469** -- Memorials, Recognition - "Metastatic Breast Cancer Awareness Day" in Tennessee, October 13, 2019. by \*Hensley, \*Akbari.

**\*Senate Joint Resolution No. 533** -- Memorials, Interns - Wade Hoelcel. by \*Johnson.

**\*Senate Joint Resolution No. 534** -- Memorials, Recognition - Kathleen O'Brien. by \*Massey, \*Johnson, \*Dickerson, \*Gilmore, \*Yarbro.

**\*Senate Joint Resolution No. 536** -- Memorials, Recognition - Mary Cordelia Beasley Hudson. by \*Kyle, \*Stevens.

**\*Senate Joint Resolution No. 537** -- Memorials, Interns - Nathan M. Watkins. by \*Dickerson.

**\*Senate Joint Resolution No. 538** -- Memorials, Interns - Donovan Ricche. by \*Dickerson, \*Massey, \*Jackson, \*Gardenhire, \*Yager.

**\*Senate Joint Resolution No. 539** -- Memorials, Retirement - Estella Mayhue-Greer. by \*Akbari.

**\*Senate Joint Resolution No. 540** -- Memorials, Interns - Noah Hilmi Balushi. by \*Akbari.

**\*Senate Joint Resolution No. 541** -- Memorials, Academic Achievement - Hanna Elisabeth Sermons, Valedictorian, East Robertson High School. by \*Roberts.

**\*Senate Joint Resolution No. 542** -- Memorials, Academic Achievement - Abigail Lauren Dixon, Salutatorian, East Robertson High School. by \*Roberts.

**\*Senate Joint Resolution No. 543** -- Memorials, Death - Sergeant Gregory Dean Byram. by \*Bailey.

**\*Senate Joint Resolution No. 544** -- Memorials, Professional Achievement - Ron Meers, Tennessee Bandmasters Association Hall of Fame. by \*White, \*Reeves.

**\*Senate Joint Resolution No. 545** -- Memorials, Recognition - Andrew Bruce and Don Kim, Small Delegation Award at Model UN Conference. by \*White, \*Reeves.

**\*Senate Joint Resolution No. 547** -- Memorials, Public Service - Lauren V. Plunk. by \*Lundberg.

**\*Senate Joint Resolution No. 548** -- Memorials, Retirement - Betty Shuck. by \*Southerland.

**\*Senate Joint Resolution No. 549** -- Memorials, Recognition - Dalton Blake, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

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**\*Senate Joint Resolution No. 550** -- Memorials, Recognition - Aaron Parris, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 551** -- Memorials, Recognition - Lucas Canter, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 552** -- Memorials, Recognition - Matthew Collins, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 553** -- Memorials, Recognition - Joshua Dalton, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 554** -- Memorials, Recognition - Edward Ballard, Troy Mathews, and Micah Batson, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 555** -- Memorials, Recognition - Brandon Winstead, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 556** -- Memorials, Recognition - Joseph Sarraïno, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 557** -- Memorials, Recognition - Anthony Bogel, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 558** -- Memorials, Recognition - James Roberts, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 559** -- Memorials, Recognition - Samuel Underwood, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 560** -- Memorials, Interns - Kristina Grant. by \*Stevens, \*Massey, \*Roberts.

**\*Senate Joint Resolution No. 561** -- Memorials, Academic Achievement - Benjamin Galluzzi, Salutatorian, Springfield High School. by \*Roberts.

**\*Senate Joint Resolution No. 562** -- Memorials, Academic Achievement - Phoebe Ann Dawson, Salutatorian, White House Heritage High School. by \*Roberts.

**\*Senate Joint Resolution No. 563** -- Memorials, Academic Achievement - Breanna Leigh Bishop, Valedictorian, White House Heritage High School. by \*Roberts.

**\*Senate Joint Resolution No. 564** -- Memorials, Academic Achievement - Kyla Kivette, Valedictorian, Pleasant View Christian School. by \*Roberts.

**\*Senate Joint Resolution No. 565** -- Memorials, Academic Achievement - Bethany Milling, Salutatorian, Pleasant View Christian School. by \*Roberts.

**\*Senate Joint Resolution No. 566** -- Memorials, Academic Achievement - Danielle Arlene Kreeger, Salutatorian, Dayspring Academy. by \*Roberts.



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**\*Senate Joint Resolution No. 567** -- Memorials, Academic Achievement - Jaclyn Genevieve Kreeger, Salutatorian, Dayspring Academy. by \*Roberts.

**\*Senate Joint Resolution No. 568** -- Memorials, Academic Achievement - Elizabeth Grace Hall, Valedictorian, Dayspring Academy. by \*Roberts.

**\*Senate Joint Resolution No. 569** -- Memorials, Academic Achievement - Peyton Leigh Frazier, Valedictorian, Dayspring Academy. by \*Roberts.

**\*Senate Joint Resolution No. 570** -- Memorials, Academic Achievement - Trish Nguyen, Valedictorian, Harpeth High School. by \*Roberts.

**\*Senate Joint Resolution No. 571** -- Memorials, Academic Achievement - Ben Bruzewski, Salutatorian, Harpeth High School. by \*Roberts.

**\*Senate Joint Resolution No. 572** -- Memorials, Academic Achievement - Sadie Collins, Valedictorian, Sycamore High School. by \*Roberts.

**\*Senate Joint Resolution No. 573** -- Memorials, Academic Achievement - Grace Harris, Salutatorian, Sycamore High School. by \*Roberts.

**\*Senate Joint Resolution No. 574** -- Memorials, Academic Achievement - Sarah Ramey, Valedictorian, Springfield High School. by \*Roberts.

**\*Senate Joint Resolution No. 575** -- Memorials, Recognition - Fayette County Public Schools Academic Pentathlon teams. by \*Gresham.

**\*Senate Joint Resolution No. 577** -- Memorials, Death - Jonathan Craig Stewart. by \*Yarbro.

**\*Senate Joint Resolution No. 578** -- Memorials, Recognition - Jacob Tullock, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 579** -- Memorials, Public Service - Sarah E.T. Webster. by \*Southerland.

**\*Senate Joint Resolution No. 580** -- Memorials, Recognition - Winter & Company Dance Studio Competition Team. by \*Southerland.

**\*Senate Joint Resolution No. 581** -- Memorials, Recognition - Ethan Burchett, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

**\*Senate Joint Resolution No. 582** -- Memorials, Recognition - Trey Fillers, State Leadership and Skills Conference of SkillsUSA. by \*Southerland.

Rep. Parkinson moved that all members voting aye on House Joint Resolutions Nos. 629, 630 and 631; also Senate Joint Resolutions Nos. 539 and 540 be added as co-prime sponsors with the Shelby County delegation listed first, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Ragan and Williams.

## TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY

Pursuant to **Rule No. 50**, Rep. Zachary moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate Joint Resolutions confirming appointments on the Clerk's desk be substituted for House Joint Resolutions confirming the same appointments, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	96
Noes.....	0

Representatives voting aye were: Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Cooper, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Shaw, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada--96

A motion to reconsider was tabled.

### UNFINISHED BUSINESS

#### BILLS WITHDRAWN

On motion of Rep. Hicks, **House Joint Resolution No. 624** was recalled from the Delayed Bills Committee and withdrawn from the House.

### ANNOUNCEMENTS

#### REPORTS FILED

The Clerk announced the Statistical Report of the Board of Judicial Conduct covering the filings and dispositions for the month of March 2019 has been filed with the Clerk's Office and is available for review.

### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 41** Reps. Cepicky, Tillis and Kumar as prime sponsors.

**House Bill No. 91** Rep. Lynn as prime sponsor.

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**House Bill No. 278** Rep. Hardaway as prime sponsor.

**House Bill No. 605** Reps. Crawford, Zachary and Lynn as prime sponsors.

**House Bill No. 628** Rep. Lamberth as prime sponsor.

**House Bill No. 695** Rep. C. Sexton as prime sponsor.

**House Bill No. 983** Rep. Helton as prime sponsor.

**House Bill No. 1177** Rep. Lynn as prime sponsor.

**House Bill No. 1262** Reps. Zachary, Todd, Moody, Williams, Kumar, Halford, Cochran, Haston, Terry, Jernigan, Staples, Crawford, Lamberth, Tillis and Lynn as prime sponsors.

**House Bill No. 1440** Rep. Lynn as prime sponsor.

**House Bill No. 1460** Rep. Lynn as prime sponsor.

**House Bill No. 1524** Rep. Lynn as prime sponsor.

**MESSAGE FROM THE SENATE  
April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 396; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 25, 111, 113, 207, 209, 395, 405, 597, 642, 667, 794, 911, 1067, 1162, 1423, 1512, 1514, 129, 1530, 1531, 1532, 1534, 1535, 1537, 1538, 1539, 1540 and 1541; substituted for Senate Bills on same subjects and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 507, 508, 509, 510, 511, 512, 513, 514 and 515; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**ENROLLED BILLS**

**April 30, 2019**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 1079; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

**ENGROSSED BILLS**

**April 30, 2019**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 809;

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE**

**April 30, 2019**

MR. SPEAKER: I am directed to return to the House, HB 939.

The Senate acceded to the request of the House for the appointment of a conference Committee. The Speaker appointed a Conference Committee composed of Senators: Johnson, Gresham, Bell, Akbari, & Kelsey to confer with a like committee from the House in open conference to resolve the differences between the bodies on HB 939.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 30, 2019**

MR. SPEAKER: I am directed to return to the House, HB 1233.

The Senate acceded to the request of the House for the appointment of a conference Committee. The Speaker appointed a Conference Committee composed of Senators: Gardenhire, Yager & Yarbrow to confer with a like committee from the House in open conference to resolve the differences between the bodies on HB 1233.

RUSSELL A. HUMPHREY, Chief Clerk

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE  
April 30, 2019**

MR. SPEAKER: I am directed to return to the House, HB 513.

The Senate acceded to the request of the House for the appointment of a conference Committee. The Speaker appointed a Conference Committee composed of Senators: Bell, Stevens & Gardenhire to confer with a like committee from the House in open conference to resolve the differences between the bodies on HB 513.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS  
April 30, 2019**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bill No. 394;

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE  
April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1509; substituted for Senate Bill on same subject and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1510; substituted for Senate Bill on same subject and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS  
April 30, 2019**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bills Nos. 797 and 907.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE  
April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Bill No. 632; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE  
April 30, 2019**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 442 and 559; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 442** -- Education - As introduced, authorizes LEAs that receive pre-kindergarten program approval to utilize an alternative academic growth indicator approved by the state board of education and adopted by the LEA, rather than the pre-k/kindergarten growth portfolio model approved by the state board of education in the evaluation of pre-kindergarten and kindergarten teachers. - Amends TCA Title 49, Chapter 6, Part 1. by \*Bell. (\*HB91 by \*Hicks)

**\*Senate Bill No. 559** -- Adoption - As introduced, requires that guardian ad litem fees in a pending adoption matter be divided equally between the parties; requires the guardian ad litem to bill an indigent party's fees to the administrative office of the courts claims and payment system and bill the remaining parties at the same rate; limits guardian ad litem's hourly rate to \$200 per hour when an indigent party is not involved. - Amends TCA Title 16; Title 36 and Title 37. by \*Johnson. (HB628 by \*Russell, \*Lamberth)

**MESSAGE FROM THE SENATE  
April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 506, 587, 589 and 613; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 164, 574, 674, 760, 771, 1087 and 1265; substituted for Senate Bills on same subjects and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 516, 517, 518, 519, 520, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600 and 601; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

**ENROLLED BILLS**

**April 30, 2019**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolutions Nos. 120, 121, 122, 123, 124, 125, 126, 127 and 128; and find same correctly enrolled and ready for the signature of the Speaker.

GREG GLASS, Chief Engrossing Clerk

**SIGNED**

**April 30, 2019**

The Speaker announced that he had signed the following: House Resolutions Nos. 120, 121, 122, 123, 124, 125, 126, 127 and 128.

GREG GLASS, Chief Engrossing Clerk

**SIGNED**

**April 30, 2019**

The Speaker announced that he had signed the following: House Bills Nos. 108, 190, 448, 451, 464, 474, 539, 621, 650, 676, 710, 815, 1005, 1079, 1165, 1230, 1324, 1328, 1500, 1515, 1516, 1519, 1520, 1521, 1525, 1526, 1527, 1528 and 1529.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE GOVERNOR**

**April 30, 2019**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bills Nos. 51, 86, 104, 187, 295, 381, 396, 536, 603, 655, 686, 705, 838, 868, 1078, 1142, 1190, 1242, 1303, 1342, 1388, 1503, 1505, 1506 and 1513; with his approval.

LANG WISEMAN, Deputy and Counsel to the Governor

**MESSAGE FROM THE SENATE**

**April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1016; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE GOVERNOR**

**April 30, 2019**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolutions Nos. 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 588, 602 and 603; with his approval.

LANG WISEMAN, Deputy and Counsel to the Governor

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

**ENGROSSED BILLS**

**April 30, 2019**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bills Nos. 2, 316, 326, 494, 498, 502, 518, 620, 664, 714, 745, 1187, 1425, 1441, 1533 and 1536; House Joint Resolutions Nos. 625 and 626.

GREG GLASS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE**

**April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Bill No. 509; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1330; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Bill No. 167; substituted for Senate Bill on same subject, amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 30, 2019**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 521, 604, 605, 606, 607, 608, 609, 610, 611, 612, 614, 615, 616, 617, 618, 619, 620, 621, 622 and 623; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 30, 2019**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 63, 1268, 1455 and 1530; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk



**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

**\*Senate Bill No. 63** -- Education, Curriculum - As introduced, expands career and technical education programs to middle school grades; requires the board of career and technical education to plan facilities for comprehensive career and technical training for middle school students. - Amends TCA Title 49. by \*Robinson. (HB866 by \*DeBerry)

**Senate Bill No. 1268** -- Law Enforcement - As introduced, requires that a law enforcement officer receive compensation for death in the line of duty when the officer dies while commuting to and from the officer's place of residence. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 8 and Title 38. by \*Briggs. (\*HB1440 by \*Todd)

**Senate Bill No. 1455** -- Taxes, Exemption and Credits - As introduced, creates sales and use tax exemption for sale of public safety and public works-related goods to certain nonprofit property owners associations. - Amends TCA Title 67, Chapter 6, Part 3. by \*Bailey, \*Yager. (\*HB695 by \*Russell, \*Sexton C)

**\*Senate Bill No. 1530** -- Education, Higher - As introduced, extends a 25 percent discount on the tuition to any state institution of higher education to every child under 24 years of age whose parent died while employed as a full-time certified teacher in a public school in Tennessee or as a full-time technology coordinator in an LEA in Tennessee. - Amends TCA Title 8 and Title 49, Chapter 7. by \*Rose. (HB1524 by \*Moody)

**ENGROSSED BILLS  
April 30, 2019**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Bills Nos. 524, 565, 567, 729, 786, 909, 982, 1264 and 1274; House Joint Resolutions Nos. 627, 628, 629, 630 and 631.

GREG GLASS, Chief Engrossing Clerk

**ROLL CALL**

The roll call was taken with the following results:

Present..... 93

Representatives present were Baum, Beck, Boyd, Bricken, Byrd, Calfee, Camper, Carr, Carter, Cepicky, Chism, Clemmons, Cochran, Coley, Crawford, Curcio, Daniel, DeBerry, Dixie, Doggett, Dunn, Eldridge, Faison, Farmer, Freeman, Gant, Garrett, Griffey, Hakeem, Halford, Hall, Hardaway, Haston, Hawk, Hazlewood, Helton, Hicks, Hill M, Hill T, Hodges, Holsclaw, Holt, Howell, Hulsey, Hurt, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Miller, Mitchell, Moody, Moon, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sanderson, Sexton C, Sexton J, Sherrell, Smith, Sparks, Staples, Stewart, Thompson, Tillis, Todd, Towns, Travis, Van Huss, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Casada -- 93

**TUESDAY, APRIL 30, 2019 -- THIRTY-FIFTH LEGISLATIVE DAY**

**RECESS**

On motion of Rep. Lamberth, the House stood in recess until 9:00 a.m., Wednesday, May 1, 2019.